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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; TEXAS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

TEXAS

County:	Average value
Anderson	\$25,000
Angelina	25,000
Aransas	25,000
Armstrong	25,000
Atascosa	25,000
Austin	20,000
Bailey	25,000
Bandera	25,000
Bastrop	15,000
Bee	25,000
Bell	20,000
Bexar	30,000
Blanco	18,000
Borden	32,000
Bosque	23,000
Brazoria	22,000
Brewster	40,000
Briscoe	35,000
Brooks	25,000
Brown	25,000
Burleson	20,000
Burnet	25,000
Caldwell	25,000
Callahan	18,000
Camp	20,000
Carson	32,000
Castro	35,000
Chambers	25,000
Cherokee	25,000
Childress	20,000
Cochran	35,000
Coke	25,000
Collin	25,000
Collingsworth	20,000
Colorado	20,000
Comal	25,000
Comanche	18,000
Cooke	24,000
Coryell	20,000

TEXAS—Continued

County:	Average value
Cottle	\$20,000
Crockett	40,000
Dawson	36,000
Deaf Smith	32,000
Denton	18,000
De Witt	20,000
Dimmit	25,000
Donley	20,000
Duval	18,000
Eastland	18,000
Ellis	30,000
El Paso	40,000
Erath	20,000
Falls	22,000
Fisher	22,000
Floyd	32,000
Fort Bend	24,000
Franklin	25,000
Gaines	30,000
Galveston	24,000
Garza	25,000
Gillespie	20,000
Goliad	20,000
Gray	25,000
Gregg	20,000
Guadalupe	25,000
Hale	35,000
Hamilton	20,000
Hanaford	35,000
Harris	24,000
Harrison	22,000
Haskell	20,000
Hays	20,000
Hemphill	20,000
Henderson	25,000
Hockley	25,000
Hood	20,000
Hopkins	18,000
Houston	25,000
Hudspeth	40,000
Hunt	25,000
Hutchinson	35,000
Irion	40,000
Jasper	20,000
Jeff Davis	40,000
Jim Hogg	20,000
Jones	28,000
Karnes	25,000
Kendall	25,000
Kerr	30,000
Kimble	20,000
King	25,000
Lamar	25,000
Lamb	35,000
Lampasas	24,000
Lee	15,000
Limestone	15,000
Lipscomb	32,000
Llano	20,000
Loving	25,000
Lubbock	25,000
Lynn	36,000
McLennan	20,000
McMullen	25,000
Marion	22,000

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Title 9 (\$0.65)
Title 20 (\$0.75)
Title 24 (\$0.75)
Titles 40-42 (\$0.50)

Previously announced: Title 3, 1954 Supp. (\$1.75); Title 7: Parts 1-209 (\$0.60); Title 18 (\$0.50); Title 19 (\$0.40); Title 25 (\$0.50); Titles 30-31 (\$1.25); Title 49: Parts 1-70 (\$0.60); Parts 91-164 (\$0.50); Part 165 to end (\$0.60)

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TEXAS—Continued

County:	Average value
Matagorda	\$22,000
Maverick	25,000
Medina	25,000
Menard	20,000
Milan	20,000
Mills	25,000
Mitchell	22,000
Montague	22,000

TEXAS—Continued

County:	Average value
Montgomery	\$20,000
Moore	32,000
Morris	20,000
Motley	20,000
Nacogdoches	22,000
Navarro	20,000
Newton	20,000
Nolan	25,000
Nueces	40,000
Ochiltree	35,000
Oldham	32,000
Palo Pinto	20,000
Panola	20,000
Parker	20,000
Pecos	30,000
Polk	22,000
Potter	32,000
Presidio	40,000
Randall	30,000
Reagan	40,000
Real	30,000
Reeves	40,000
Roberts	35,000
Rockwall	25,000
Sabine	25,000
San Augustine	25,000
San Jacinto	20,000
San Patricio	40,000
Scurry	25,000
Shackelford	25,000
Shelby	25,000
Smith	20,000
Somervell	20,000
Starr	25,000
Sterling	30,000
Stonewall	20,000
Sutton	30,000
Swisher	35,000
Tarrant	30,000
Taylor	22,000
Terry	25,000
Titus	25,000
Travis	18,000
Trinity	22,000
Tyler	25,000
Upshur	18,000
Uvalde	30,000
Val Verde	40,000
Van Zandt	20,000
Victoria	25,000
Walker	20,000
Waller	18,000
Washington	20,000
Wheeler	20,000
Williamson	25,000
Wilson	25,000
Wood	16,000
Yoakum	25,000
Zapata	25,000
Zavala	25,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1).
Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C.
1003 (a))

Dated this 12th day of April 1955.

[SEAL]

R. B. McLEAISH,

Administrator,

Farmers Home Administration.

[F. R. Doc. 55-3143; Filed, Apr. 15, 1955;
8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing
Service (Marketing Agreements and
Orders), Department of Agriculture

[Navel Orange Reg. 56]

PART 914—NAVEL ORANGES GROWN IN
ARIZONA AND DESIGNATED PART OF CALI-
FORNIA

LIMITATION OF HANDLING

§ 914.356 Navel Orange Regulation
56—(a) Findings. (1) Pursuant to the

marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 14, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) Order. (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 17, 1955, and ending at 12:01 a. m., P. s. t., April 24, 1955, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 415,800 boxes;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 15, 1955.

[SEAL]

FLOYD F. HEDLUND,

Acting Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F. R. Doc. 55-3216; Filed, Apr. 15, 1955;
11:32 a. m.]

[Valencia Orange Reg. 30]

PART 922—VALENCIA ORANGES GROWN IN
ARIZONA AND DESIGNATED PART OF CALI-
FORNIA

LIMITATION OF HANDLING

§ 922.330 Valencia Orange Regulation 30—(a) Findings. (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 12, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers

of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 17, 1955, and ending at 12:01 a. m., P. s. t., April 24, 1955, is hereby fixed as follows:

- (i) District 1: 62,522 boxes;
- (ii) District 2: Unlimited movement;
- (iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 14, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3165; Filed, Apr. 15, 1955; 8:54 a. m.]

[Valencia Orange Reg. 31]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.331 *Valencia Orange Regulation 31*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy

of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 12, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Effective at 12:01 a. m., P. s. t., April 17, 1955, the provisions of Valencia Orange Regulation 28 (§ 922.328; 20 F. R. 1845) shall not be applicable to Valencia oranges grown in District 1.

(2) During the period beginning at 12:01 a. m., P. s. t., April 17, 1955, and ending at 12:01 a. m., P. s. t., February 4, 1956, no handler shall handle any Valencia oranges grown in District 1 or in District 2 which are smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container: *Provided*, That in addition to such tolerance, each handler may, during each calendar week of the aforesaid period, handle a quantity of such oranges which are smaller than 2.31 inches in diameter but not smaller than 2.20 inches in diameter, except that a tolerance of 5 percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.31 inches in diameter, if such quantity does not exceed 5 percent of the total quantity of Valencia oranges handled by such handler during such week.

(3) As used in this section, "handled," "handler," "boxes," "District 1," and "District 2," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 14, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3164; Filed, Apr. 15, 1955; 8:54 a. m.]

[Orange Reg. 277]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.734 *Orange Regulation 277*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 18, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 18, 1955; the recommendation and supporting information for continued regulation subsequent to April 17, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 18, 1955, and ending at 12:01 a. m.,

e. s. t., May 2, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 274 (§ 933.728; 20 F. R. 1359).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 13, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3162; Filed, Apr. 15, 1955; 8:53 a. m.]

[Grapefruit Reg. 222]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.735 *Grapefruit Regulation 222—*
(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 7 U. S. C. 1001 et seq.) because the time intervening between the date when

information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 18, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 18, 1955; the recommendation and supporting information for continued regulation subsequent to April 17, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 18, 1955, and ending at 12:01 a. m., e. s. t., May 2, 1955, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any white seedless grapefruit, grown in "Regulation Area I," which do not grade at least U. S. No. 2;

(iv) Any white seedless grapefruit, grown in "Regulation Area II," which do not grade at least U. S. No. 2 Russet;

(v) Any pink seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(vi) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any white seedless grapefruit, grown in "Regulation Area I," that grade U. S. No. 2 Bright, or U. S. No. 2, which are of a size larger than a size that will pack 54 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 13, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3160; Filed, Apr. 15, 1955; 8:52 a. m.]

[Lemon Reg. 585]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.692 *Lemon Regulation 585—*(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 13, 1955, such

meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 17, 1955, and ending at 12:01 a. m., P. s. t., April 24, 1955, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
 - (ii) District 2: 375 carloads;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 14, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3199; Filed, Apr. 15, 1955; 8:50 a. m.]

[Grapefruit Reg. 102]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA, AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.363 *Grapefruit Regulation 102—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date

of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 17, 1955. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 17, 1954, and will so continue until April 17, 1955; the recommendation and supporting information for continued regulation subsequent to April 16, 1955, was promptly submitted to the Department after an open meeting of the Administrative Committee on April 7; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., April 17, 1955, and ending at 12:01 a. m., P. s. t., May 8, 1955, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2: *Provided*, That (a) not to exceed a total of 20 percent, by count, of the grapefruit in any lot may fail to meet the requirements of the U. S. No. 2 grade, but such total of 20 percent may not include more than 15 percent, by count, of grapefruit failing to meet the requirements of the U. S. No. 2 grade because of serious damage by dryness or mushy condition nor more than 10 percent, by count, of grapefruit failing to meet the requirements of the U. S. No. 2 grade because of serious damage by defects other than dryness or mushy condition; and (b) no individual container of such grapefruit may contain more than 20 percent, by count, of grapefruit which are seriously damaged by dryness or mushy condition; or

(ii) From the State of California or the State of Arizona (a) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{1}{16}$ inches in

diameter, or (b) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{1}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{1}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{1}{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "serious damage," and "dryness or mushy condition" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 13, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3161; Filed, Apr. 15, 1955; 8:52 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

CONSENT TO SERVICE OF PROCESS TO BE FURNISHED BY NON-RESIDENT INVESTMENT GENERAL PARTNERS OR MANAGING AGENTS OF INVESTMENT ADVISERS; CORRECTION

In F. R. Document 54-5350 published at 19 F. R. 4300, July 14, 1954, in paragraph headed "Statutory Basis", column 3, second sentence (commencing on line 11 of that paragraph) should read as

follows: " * * * The Commission hereby designates this rule to be § 230.173 (Rule 173) under the Securities Act of 1933, § 240.0-7 (Rule X-7) under the Securities Exchange Act of 1934, § 260.0-10 (Rule T-0-10) under the Trust Indenture Act of 1939, § 270.07 (Rule N-7) under the Investment Company Act of 1940, * * * "

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

APRIL 12, 1955.

[F. R. Doc. 55-3141; Filed, Apr. 15, 1955;
8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

ENLISTED MEN ABSENT WITHOUT LEAVE, DESERTERS AND ESCAPED MILITARY PRISONERS

Sections 536.30 and 536.40 are revised to read as follows:

§ 536.30 *Apprehension*—(a) *Military personnel*. Military personnel authorized by Manual for Courts-Martial, 1951, paragraph 19 (16 F. R. 1310), may apprehend absentees and deserters.

(b) *Civil personnel*. Any civil officer described in Uniform Code of Military Justice, Article 8, and private citizens when authorized by a military officer may apprehend an absentee or deserter from the Army and deliver him into the custody of the Armed Forces. See Manual for Courts-Martial, 1951, paragraph 23.

(c) *Absentees and deserters to be apprehended*. Except as indicated in paragraph (d) of this section, all absentees and deserters will be apprehended including those who deserted during the periods December 7, 1941, to July 24, 1947, and June 25, 1950, to July 27, 1953, all dates inclusive.

(d) *Classes of absentees not to be apprehended or returned to military control*. Individuals who deserted from the Regular Army during the Spanish American War, those who deserted the Army during World War I, and peacetime absentees or deserters in whose cases trial is barred by the Uniform Code of Military Justice, Article 43, will not be apprehended or returned to military control.

(e) *Cooperation of State and local police authorities*. (1) Continental army and Military District of Washington commanders will take steps to secure the active cooperation of all State and local police authorities and of such other officials and organizations, except the Bureau of Investigation, the Selective Service System, or any of the branches thereof, as they deem useful to insure that wanted absentees and deserters are returned to military control. Agencies should be informed that action will not be taken to apprehend absentees and deserters unless the agency concerned is in receipt of DD Form 553, or has received notice from military officials or Federal

law enforcement officials that the person is absent without leave and his return to military control is desired.

(2) All commanding officers will assure prompt, complete, and accurate replies to all inquiries received from civil law enforcement agents or agencies regarding absentees or deserters.

§ 536.40 *Property and personal effects*. (a) When an individual absents himself without leave, the personal effects will be disposed of in accordance with Public Law 39, 81st Congress (63 Stat. 44; 5 U. S. C. 150e-1).

(b) Money left by an absentee will be deposited with a disbursing officer. The original receipt will be retained in the files of the organization making the deposit and copy thereof forwarded to The Adjutant General, with the records, if the individual is dropped from the rolls of the organization.

[AR 630-10, 31 March 1955] (R. S. 161; 5 U. S. C. 22)

[SEAL]

HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 55-3132; Filed, Apr. 15, 1955;
8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

SURETY BOND COVERAGE FOR FEDERAL CREDIT UNIONS

Notice having been published in the FEDERAL REGISTER on February 22, 1955 (20 F. R. 1102), that the Director of the Bureau of Federal Credit Unions, with the approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare, proposed to prescribe a certain regulation concerning surety bond coverage for Federal credit unions, and that prior to the official adoption of the proposed regulation consideration would be given to any data, views, or arguments pertaining thereto submitted to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington 25, D. C., within a period of 30 days from the date of publication of the notice in the FEDERAL REGISTER, and the regulation proposed to be adopted having been set forth in the FEDERAL REGISTER on page 1102 (20 F. R. 1102), and the 30-day period having elapsed and due consideration having been given to written views submitted, now, therefore, the regulation set forth below is hereby adopted and promulgated effectively April 30, 1955.

Part 301, as amended (45 CFR 301.1 et seq.), is further amended by adding a new § 301.20, as follows:

§ 301.20 *Surety bond coverage for Federal credit unions*. (a) The board of directors of each Federal credit union shall, at least semi-annually, carefully

review the bond coverage in force in order to ascertain its adequacy in relation to the exposure and to the minimum requirements fixed from time to time by the Director of the Bureau of Federal Credit Unions.

(b) All surety bonds must provide for faithful-performance-of-duty coverage for any officer or employee while performing any of the duties of the treasurer as prescribed in the Federal Credit Union Act, the Federal credit union's by-laws, or rules and regulations of the Bureau of Federal Credit Unions.

(c) No form of surety bond shall be used except as is approved by the Director of the Bureau of Federal Credit Unions. Credit Union Blanket Bond, Standard Form No. 23 of the Surety Association of America (Revised to May 1950), plus Faithful Performance Rider (for use with this form to Broaden Insuring Clause (A), Revised to May, 1950) shall be considered as the minimum coverage required and is hereby approved. Credit Union Blanket Bond—BFCU Optional Form No. 576 plus Faithful Performance of Duty Rider—Form BFCU 576F is also approved. No other bond form may be used unless specifically approved in writing by the Director of the Bureau of Federal Credit Unions. No form of surety bond is approved for use by a Federal credit union having its main office outside of the continental United States unless by the terms of the bond or by an appropriate rider attached thereto the provisions of the bond are made applicable within the jurisdiction in which the main office of such Federal credit union is located.

(d) All sureties writing Federal credit union bonds must hold a certificate of authority from the Secretary of the Treasury under the act of Congress approved July 30, 1947 (6 U. S. C., secs. 6-13) as an acceptable surety on Federal bonds in the State or jurisdiction concerned.

(e) The schedule of coverage set forth in paragraph (f) of this section shall not be deemed to cover change funds exceeding \$1,000. In cases where the change fund (either temporary or permanent) exceeds \$1,000, additional coverage to the full extent of the change fund shall be required.

(f) The following schedule shall be deemed as the minimum requirements only:

Assets:	Minimum coverage
\$0.000 to \$5,000.....	\$1,000
\$5,001 to \$10,000.....	2,000
\$10,001 to \$20,000.....	4,000
\$20,001 to \$30,000.....	6,000
\$30,001 to \$40,000.....	8,000
\$40,001 to \$50,000.....	10,000
\$50,001 to \$75,000.....	15,000
\$75,001 to \$100,000.....	20,000
\$100,001 to \$150,000.....	30,000
\$150,001 to \$200,000.....	40,000
\$200,001 to \$300,000.....	50,000
\$300,001 to \$400,000.....	60,000
\$400,001 to \$500,000.....	70,000
\$500,001 to \$750,000.....	85,000
\$750,001 to \$1,000,000.....	100,000
Over \$1,000,000.....	(1)

¹\$100,000 plus \$50,000 for each additional million or fraction thereof of assets.

It shall be the duty of the board of directors of each Federal credit union to pro-

vide proper protection to meet any circumstance by obtaining adequate bond (and insurance) coverage in excess of the above minimum schedule.

(g) The Director of the Bureau of Federal Credit Unions may require additional coverage for any Federal credit union when, in his opinion, the surety bonds in force are insufficient to provide adequate surety coverage and it shall be the duty of the board of directors of the Federal credit union to obtain such additional coverage within thirty days after the date of written notice.

(h) As to surety bonds now in force, each Federal credit union shall conform to this regulation both as to form and amount of its bond coverage by not later than the next annual anniversary date following April 30, 1955.

(Sec. 16, 48 Stat. 1221, as amended at sec. 3, 68 Stat. 792; 12 U. S. C. 1766)

Dated: April 4, 1955.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved:

C. I. SCHOTTLAND,
Commissioner of Social Security.

Approved: April 11, 1955.

ROSSELL B. PERKINS,
Acting Secretary of Health,
Education, and Welfare.

[F. R. Doc. 55-3142; Filed, Apr. 15, 1955;
8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco and Other Excise Taxes

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

Correction

In F. R. Doc. 55-2997, appearing at page 2356 of the issue for Tuesday, April 12, 1955, the following change should be made: Section 195.105, appearing on page 2361, should be deleted in its entirety.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 67 (LRP 1)]

LRP 1—SEAMEN'S CLAIMS; ADMINISTRA- TIVE ACTION AND LITIGATION

Correction

In Federal Register Document 55-3051, appearing at page 2414 of the issue for Wednesday, April 13, 1955, the following changes should be made:

1. In section 1, the twelfth line should read "allowance or disallowance (actual and".

2. In the second line of section 5 (a) the word "season" should read "seamen".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[CAM 60, Supp. 19]

PART 60—AIR TRAFFIC RULES

CAA RULES, POLICIES, AND INTERPRETATIONS

This supplement contains a complete compilation of all current CAA rules, policies, and interpretations implementing Part 60 of the Civil Air Regulations. The following revisions and additions have been made in CAA rules, policies, and interpretations: CAA policies concerning the authorization of deviations from air traffic rules for special flight operations (§ 60.1) have been revised to be more definitive than those previously published. The general procedures relative to the issuance of certificates of waiver have been consolidated; the conditions for issuance of certificates of waiver for air shows, meets, and races, revised; and conditions for issuance of such certificate for agricultural and industrial operations, defined. New policies have been adopted to cover (1) reporting of emergency situation (§ 60.2); (2) the issuance of waivers for acrobatic flight within a civil airway (§ 60.16); (3) application of policies concerning industrial and agricultural operations conducted before sunrise and after sunset (§ 60.23); (4) procedures for obtaining permission to operate under lower ceiling and visibility minimums than those prescribed in Part 609 of the Regulations of the Administrator (§ 60.46). A new interpretation has been added which defines "appropriate authority" for obtaining permission to operate an aircraft within a prohibited or restricted area (§ 60.13).

Policies previously listed in the Flight Information Manual and now included in the Civil Aeronautics Manual cover (1) emergency descent procedures (§ 60.21); (2) issuance of air traffic clearance within control zones (§§ 60.30 and 60.31); (3) filing of VFR flight plans (§ 60.33); and two-way radio failure procedures (§ 60.49).

Editorial revisions have been made in consolidating information on radio communications procedures (§ 60.47) and odd and even altitudes on airways (§ 60.32). Sections 60.18-1 through 60.18-7 cover CAA rules regarding right-turn indicators, light signals, and traffic patterns, as published in 14 CFR 1952, and have merely been renumbered leaving § 60.18-1 as a vacant number; no substantive changes have been made. Compliance with the notice, procedures, and effective date provisions of § 3, (a) (3) of the Administrative Procedure Act is unnecessary and not required.

No change has been made to rules in §§ 60.17-1, 60.23-1, and 60.46-1, as published in 14 CFR 1952. Rules regarding air traffic clearances required of scheduled air carriers as stated in §§ 60.21-1 and 60.43-1 and published in 14 CFR 1952 have been rescinded.

The following new or revised policies and interpretations are adopted:

GENERAL

§ 60.1-1 Conditions for issuance of a certificate of waiver (CAA policies which apply to § 60.1 (b))—(a) General. (1) A Certificate of Waiver or Authorization, Form ACA-663, will be issued to authorize noncompliance with any section of this part for a special flight operation when the operation can be conducted under the terms and conditions of a certificate which will provide a reasonable degree of safety to other air traffic and to persons and property on the ground. Deviations from the following sections of this part for special flight operations are considered routine and generally require the approval of only the local Aviation Safety Agent:

- (i) Section 60.16 Acrobatic flight.
- (ii) Section 60.17 Minimum safe altitudes.
- (iii) Section 60.18 Operation on and in the vicinity of an airport.
- (iv) Section 60.23 Aircraft lights.

(2) Deviations from other sections of this part are normally not considered routine and may require consideration and approval of authority higher than the local Aviation Safety Agent. The application for deviations should be submitted sufficiently in advance of the contemplated operation to allow time for the approval procedure to be completed. Normally, ten days is sufficient advance time to complete the approval procedure for issuance of a certificate of waiver, but requests for deviation from sections not listed above may require a longer period of time.

(b) Application for waiver. An applicant for a Certificate of Waiver or Authorization for any special flight operation should comply with the following procedure:

- (1) Obtain three copies of an Application for Certificate of Waiver, Form ACA-400 from the local Aviation Safety District Office.
- (2) Fill out copies of the application, as follows:
 - (i) Type or print in ink.
 - (ii) Give complete information on all applicable items 1 through 13.
 - (iii) In item 1, fill in complete name and name of company, if operations has a company name, e. g., John B. Jones d/b/a Jones Dusting Service.
 - (iv) List, under item 3, all sections of this part for which a waiver is requested.
 - (v) Sign all copies of the completed application on the reverse side in the space provided for the applicant's signature.
- (3) Submit all copies of the application to the local Aviation Safety Agent.
- (4) Arrange with the local Aviation Safety Agent for inspection of aircraft, aircraft records, personnel, etc., as appropriate for the operation involved.
- (c) Authorization. The certificate will authorize noncompliance with only those sections of the Air Traffic Rules listed on the certificate. It will not relieve the holder from compliance with any State, or local law or ordinance which may apply to the operation, or from obtaining prior permission from owners over whose property the operation may be conducted.

(d) *Duration.* The certificate will contain an expiration date to allow ample time for completion of the operation, not to exceed one year. It may be surrendered by the holder or cancelled by the Administrator at any time for noncompliance with provisions of the Certificate of Waiver or Authorization, for operation in a careless or reckless manner, or at any time a need no longer exists for the certificate.

(e) *Special provisions.* (1) The certificate will contain such special provisions or conditions as the approving agent may deem necessary in the interest of safety or appropriate to good operating practices.

(2) In addition, specific instructions or precautions will be required where they are deemed necessary to insure safety during the use of special equipment, or are necessary for the particular areas or types of operation involved.

(f) *Operation outside the United States.* A Certificate of Waiver or Authorization is valid only within the continental limits of the United States, its territories, and possessions. It is the responsibility of the holder to obtain prior clearance from the foreign country for operation within that country.

§ 60.1-2 *Certificate of Waiver or Authorization for agricultural and industrial operations (CAA policies which apply to § 60.1 (b)).* A Certificate of Waiver or Authorization may be issued to operators or individuals engaging in agricultural and industrial operations when such operations involve noncompliance with provisions of this part. Application for a Certificate of Waiver or Authorization is made in accordance with § 60.1-1 (b). A Certificate of Waiver or Authorization issued for an agricultural or industrial operation is subject to provisions appropriate to the type of operation. A Certificate of Waiver or Authorization involving pest control, operations before sunrise and after sunset, photographic flights, hunting of predatory animals, or private pilot spraying and dusting operations, may be issued in accordance with the following:

(a) *Pest control.* Issuance of a Certificate of Waiver or Authorization for pest control operations requiring low flight over cities, towns, settlement, and congested areas is premised primarily on the following:

(1) There is no question as to the airworthiness of the aircraft. Certificated aircraft whose operating limitations state that the aircraft is not eligible for a waiver under § 8.31, cannot be used.

(2) A thorough visual inspection of the aircraft, engine, and insecticide apparatus is conducted prior to each day's operation.

(3) A planned course of action is followed with emphasis on available areas for emergency landing.

(4) Pilots used must hold a valid commercial rating, type and/or class ratings appropriate to the aircraft used, and have had at least 100 hours' experience in dusting or spraying.

(5) Application is accompanied by a letter from the mayor, chief of police, or

other proper municipal authority, requesting that a waiver be granted.

(b) *Operations before sunrise and after sunset.* The early morning and late evening hours are recognized as being favorable times for conducting certain aerial spraying and dusting activities. The limited useful load of most sprayers and dusters is such that the extra weight imposed by a lighting system may be unwarranted. Issuance of a Certificate of Waiver or Authorization to conduct dusting and spraying operations before official sunrise and after sunset are premised on:

(1) All flights being restricted to the early morning and late evening periods when a prominent unlighted object can be seen for a distance of three miles.

(2) All flights being restricted to local areas where the dusting or spraying is to be performed.

(3) Landings and takeoffs not being made at uncontrolled airports without prior consent of the airport manager.

(4) No flights being conducted when other types of operations which require position lights are in progress.

(5) Clearance from air traffic control being obtained before taking off and landing at controlled airports.

(c) *Photographic flights.* A Certificate of Waiver or Authorization to permit aerial photography at low altitudes over cities, towns, settlements, and congested residential areas is issued only when the operation is in the public interest, and the applicant can show that:

(1) The photographic operation cannot be satisfactorily accomplished by the use of a telescopic lens, flying over rivers, harbors, wasteland, or other such areas adjacent to the objective.

(2) There is no question of the airworthiness of the aircraft and no restrictions on the aircraft which does not allow operation in prohibited areas.

(3) A thorough visual inspection of the aircraft and engine is to be conducted prior to each day's operation.

(4) A planned course of action is to be followed with emphasis on available areas for an emergency landing.

(5) A capable and experienced pilot holding at least a commercial rating is to be utilized.

(d) *Hunting of predatory animals.* A Certificate of Waiver or Authorization to permit hunting of predatory animals is issued only when the operation is in the public interest and is to be conducted by competent and experienced pilots.

(e) *Private pilot privileges.* A Certificate of Waiver or Authorization to permit dusting and spraying by a private pilot is issued when:

(1) The purpose is to spray or dust property owned or leased by the private pilot.

(2) The private pilot submits a written statement from the owner of the property other than his own, which contains a description of the area to be treated and a statement that the pilot or other persons are to receive no remuneration or compensation for the private pilot's services.

§ 60.1-3 *Certificate of waiver for an air show, meet, race, etc. (CAA policies*

which apply to § 60.1 (b)). (a) Certificate of Waiver or Authorization is issued only when the air show, meet, race, or other aeronautical demonstration can be conducted in a manner which will not subject spectators and other non-participating persons or property in the air or on the ground to aircraft hazards. The certificate is issued to the person or persons directly in charge of the conduct of the show and who are responsible for compliance with all applicable portions of the waiver.

(b) All acrobatics as well as other potentially hazardous acts are to be conducted at a distance of not less than 500 feet from the grandstand or spectators. Such acts may be required to be performed at greater distances when the experience of the pilot, the terrain, location, or type of act require a greater distance for reasons of safety. Applicants for a specific act may be required to demonstrate the act, or maneuvers, to the satisfaction of the agent issuing the certificate, so that a proper determination of the safe distance from the grandstand or spectators can be made.

(c) Where a demonstration is required, it will conform as closely as possible to the act which will be performed at the air show. Demonstration of normal flying acts which do not constitute a potential hazard are not usually required.

(d) The demonstration of an act may be waived when a performer has been actively engaged in performing at air shows during the previous year and can present evidence of previous authorization. This may be a copy of the most recent certificate of waiver issued by the CAA which indicates the names of the performers and the minimum distances authorized, or it may be a letter from an agent who authorized the most recent performance of the act.

(e) Acrobatic flights are expected to be under direct control provided by the holder of the certificate of waiver. The method of communication should insure that the pilot can be informed of any hazardous situation which may occur during the flight, or informed that the air show or his act has been stopped.

(f) The Certificate of Waiver or Authorization may contain any or all of the following provisions:

(1) All acts shall be approved in writing by the local agent before they may be performed.

(2) Participants in a specific act shall, if required by the local agent, demonstrate competency to perform the act prior to approval.

(3) First-aid and fire-fighting equipment shall be immediately available at the location of the demonstration.

(4) Provisions shall be made for control of spectators.

(5) The applicant shall establish a central operations point from which activities will be directed, and he or his representatives shall be immediately available at this point during activities.

(6) The applicant shall provide means to advise all participants that an activity has been halted.

(7) An activity shall be halted when unauthorized persons enter the opera-

tions area, or for any other reason in the interest of safety.

(8) No aircraft will be flown closer than (specified distance) horizontally to spectators.

(9) Acrobatics or inverted flight will not be demonstrated lower than (specified altitude).

(10) No object will be dropped from an aircraft if the object will land within (specified distance) from spectators.

(11) A closed field signal, readily seen from an altitude of 3,000 feet (large white "X"), shall be displayed on the landing area when the activities are in progress.

(12) A physical barrier shall be provided to confine spectators to designated areas.

(13) A deadline readily visible to the participants shall be provided to insure that aircraft will maintain the approved horizontal distance from the spectators.

(14) The holder shall notify the nearest CAA Airway Communications Station of the date, time, place, nature, and duration of the operations and request that an appropriate Notice to Airmen be disseminated.

(15) The course and pylons for races shall be located and spaced to provide protection to persons and property on the ground.

(16) The holder shall, prior to beginning activities, submit to the approving agent a written statement, signed by all participants that they have read and understand the conditions of the certificate of waiver.

(17) All participants shall be briefed on special field rules, and the manner and order of events before beginning activities.

(18) Clearance for all participating pilots and aircraft shall be obtained from the approving agent before beginning activities.

(19) All aircraft and special equipment shall be inspected prior to each day's operation.

(20) Any other special provisions which the approving agent may deem necessary in the interest of safety.

§ 60.2-1 Emergency situation, report required within 48 hours (CAA policies which apply to § 60.2). When a pilot has been involved in a situation for which a report must be submitted within 48 hours to the nearest regional office of the Administrator, he should describe the incident in detail and forward the report to the regional office having jurisdiction over the area in which the incident occurred.

GENERAL FLIGHT RULES (GFR)

§ 60.13-1 Appropriate authority (CAA interpretations which apply to § 60.13). (a) Appropriate authority, to issue permission for aircraft operation within a prohibited or restricted area, will mean the "Using Agency" as shown on the prohibited or restricted area charts.

(b) Application for permission to operate aircraft within an airspace reservation or prohibited area will be made to the "Using Agency." If an area is listed for which a "Using Agency" is not shown, application can be made to the local Aviation Safety District Office.

(c) Application for permission to operate within the Washington, D. C., airspace reservation will be made to the Civil Aeronautics Administration, General Safety Division, Washington 25, D. C.

(d) Six prohibited or restricted area charts¹ cover the continental United States in approximately equal portions, and are designated as follows:

(1) Prohibited or restricted (danger) area chart (N. W.)

(2) Prohibited or restricted (danger) area chart (N. Central)

(3) Prohibited or restricted (danger) area chart (N. E.)

(4) Prohibited or restricted (danger) area chart (S. E.)

(5) Prohibited or restricted (danger) area chart (S. Central)

(6) Prohibited or restricted (danger) area chart (S. W.)

§ 60.16-1 Issuance of a waiver or authorization (CAA policies which apply to § 60.16). (a) No Certificate of Waiver or Authorization will be issued for acrobatic flights over congested areas, cities, towns, settlements, or open air assembly of persons.

(b) (1) A waiver may be issued for acrobatic flight within a civil airway premised on a satisfactory showing by the applicant that the flight or flights will be conducted at such altitudes, locations, and times as not to be a hazard to other traffic using the airway.

(2) A waiver may be issued for acrobatic flight within a control zone only after concurrence of the appropriate traffic control authority, and on a showing by the applicant that the flight or flights will be conducted at such altitudes, locations, and times as not to be a hazard to other known traffic. Any waiver issued for such flight will stipulate ceiling and visibility minimums to insure safety to air traffic.

(c) A Certificate of Waiver or Authorization for acrobatic flight under 1,500 feet altitude will be restricted to air meets, air shows, and related activities.

(d) The policies and procedures of § 60.1-1 apply to an application for a Certificate of Waiver or Authorization.

§ 60.17-1 Minimum en route instrument altitudes (CAA rules which apply to § 60.17 (d)). Minimum en route instrument altitudes prescribed by the Administrator are published in Part 610 of Regulations of the Administrator. (Published in 16 F. R. 7351, July 27, 1951, effective upon publication.)

§ 60.18-1 [Reserved.]

§ 60.18-2 Right-turn indicators (CAA rules which apply to § 60.18 (a)). (a) Daytime operations. The L-shaped marker described in this paragraph is approved as a standard visual marker which indicates that turns are to be made to the right.² The marker shall

¹ Published by the Coast and Geodetic Survey, Washington 25, D. C. and are for sale for 5 cents each.

² The L-shaped marker is applied to the Segmented Circle Airport Marker System in Technical Standard Order TSO-N5, available free of charge from Aviation Information Office, CAA, Washington 25, D. C.

be prepared in such size and color, and located in such area, that when displayed between sunrise and sunset it will be readily visible to pilots using the airport. The marker shall be placed in such position that the short member of the L will show the direction of the traffic in the air, the long member of the L will point out the landing strip to be used, and the entire L will indicate the course of the turn to be executed by pilots using the landing strip.

(b) *Night-time operation.* A flashing amber light shall mean that a clockwise flow of traffic around the airport is required unless otherwise authorized by the control tower operator.

§ 60.18-3 Light signals (CAA rules which apply to § 60.18 (e)). Light signals used for the control of air traffic shall be of the color and shall mean the following:

Color and type of signal	On the ground	In flight
Steady green....	Cleared for take-off.	Cleared to land.
Flashing green...	Cleared to taxi.	Return for landing (to be followed by steady green at proper time). Give way to other aircraft and continue circling. Airport unsafe—do not land.
Steady red.....	Stop.....	
Flashing red.....	Taxi clear of landing area (runway) in use.	
Flashing white...	Return to starting point on airport.	
Alternating red and green.	General warning signal—exercise extreme caution.	

§ 60.18-4 Traffic patterns for LaGuardia, New York International, and Newark Airports (CAA rules which apply to § 60.18 (d)). Operators of aircraft taking off from or landing at LaGuardia Airport, New York; New York International (Idlewild) Airport, New York; or Newark Airport, N. J., shall adhere to the following traffic patterns and altitudes made a part thereof, unless otherwise authorized or directed by air traffic control:

(a) All aircraft shall be operated to follow a standard left-hand rectangular traffic pattern which, for each runway, is contained within a 5-mile radius of the center of the airport.

(b) Landing aircraft shall be operated so as to join the traffic pattern at or above an altitude of 1,200 feet mean sea level, weather permitting.

§ 60.18-5 Traffic patterns for Anchorage Airport and Lake Hood-Lake Spenard Landing Area (CAA rules which apply to § 60.18 (d)). Aircraft taking off from or landing at the Anchorage Airport or the Lake Hood-Lake Spenard Landing Area, shall adhere to the following traffic patterns and the altitudes made a part thereof, unless otherwise authorized by Air Traffic Control. The subject traffic patterns shall be contained within the air space described by a 5-mile horizontal radius of the Anchorage Airport and extending vertically to 2,000 feet mean sea level.

(a) *Anchorage Airport—(1) General.* (i) Traffic patterns at the Anchorage Airport shall be rectangular and, for each

runway, the traffic pattern shall lie to the side of the runway opposite Lake Hood and Lake Spenard.

(ii) Light and heavy aircraft shall follow their respective patterns as indicated by the diagrams set forth below. The differentiation between light and heavy aircraft shall be:

(a) *Light aircraft.* Aircraft which normally use a final approach true air speed of 100 m. p. h. or less.

(b) *Heavy aircraft.* Aircraft which normally use a final approach true air speed greater than 100 m. p. h.

(2) Takeoff—(i) **Aircraft remaining in the traffic pattern**—(a) **Runway 6 and 13.** Aircraft remaining in the traffic pattern shall execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level, and follow the rectangular patterns for runways 6 and 13 respectively.

(b) *Runway 24 and 31.* Aircraft remaining in the traffic pattern shall execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level and follow the rectangular patterns for runways 24 and 31 respectively.

(ii) **Departing aircraft—(a) Runway 6 and 13—(1) Light aircraft.** Execute a turn of 90° to the right at or before reaching 500 feet mean sea level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the left.

(2) *Heavy aircraft.* Execute a turn of 45° to the right from the takeoff leg at or before reaching an altitude of 500 feet mean sea level.

(b) *Runway 24 and 31*—(1) *Light aircraft.* Execute a turn of 90° to the left at or before reaching 500 feet mean sea level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the right.

(2) *Heavy aircraft.* Execute a turn of 45° to the left from the takeoff leg at or before reaching an altitude of 500 feet mean sea level.

(3) *Traffic pattern entry*—(i) *Light aircraft.* Enter the traffic pattern at an altitude of 900 feet mean sea level and at an angle of 45° to the approximate midpoint of the down-wind leg.

(ii) **Heavy aircraft.** Enter the traffic pattern at an altitude of 1,400 feet mean sea level and at an angle of 45° to the approximate midpoint of the down-wind leg.

(4) *Landing*—(i) *Light aircraft.* Aircraft shall be operated so as to enter the final approach at a distance of at least 1,000 feet from the approach end of the runway.

(ii) *Heavy aircraft.* Aircraft shall be operated so as to enter the final approach at a distance of at least 1,500 feet from the approach end of the runway.

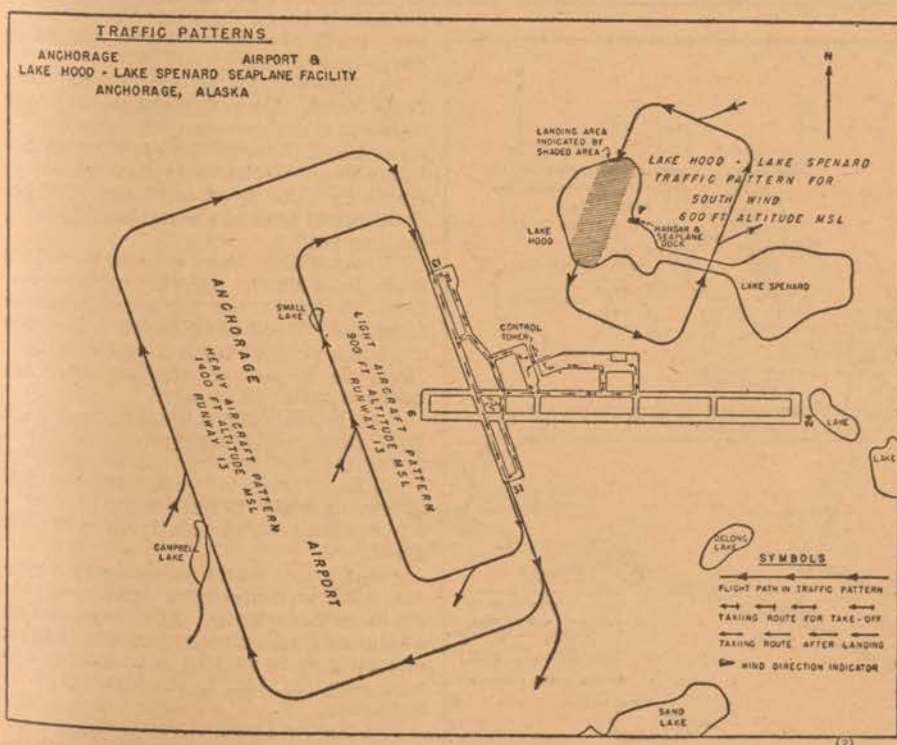
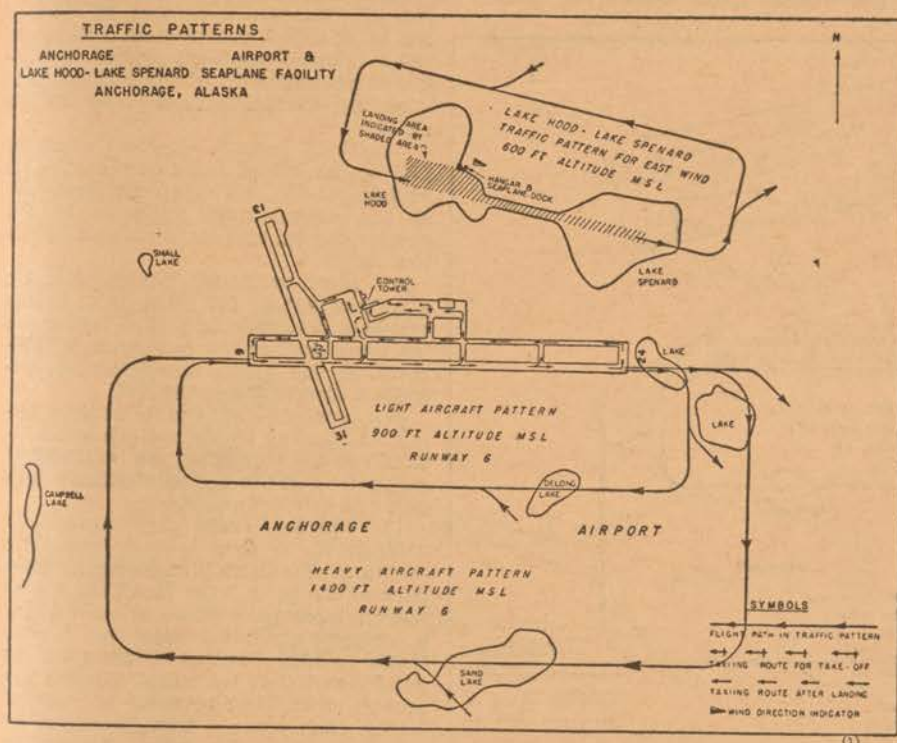
(b) **Lake Hood-Lake Spenard Landing Area**—(1) **Landing area**—(i) **East or west wind**. The landing area shall be defined by the projection of the shore lines of the canal through Lake Spenard and a projection of the south shore line of the canal through Lake Hood and a parallel projection from Sea Airmotive Hangar extending to the west shore line of Lake Hood as shown by the diagrams set forth below.

(ii) *North or south wind.* The landing area shall be defined as the area extending 500 feet west of a line connecting the most northern and most southern points of the Lake Hood shore line as shown by the diagrams set forth below.

(2) **Traffic control.** (i) Traffic control instructions issued by the Anchorage Tower to aircraft landing at or taking-off from the Lake Hood-Lake Spenard Landing Area will be issued only with respect to existing traffic at the Anchorage Airport. Separation of surface traffic, therefore, will be the responsibility of the aircraft operator.

(ii) In the absence of an air traffic control facility at Lake Hood or Lake Spenard, aircraft shall be operated so as to conform to the taxiing routes as shown by the diagrams set forth below.

(3) *Traffic patterns*—(i) *East or west takeoff or landing.* The traffic pattern shall lie to the side of the Lake



Hood-Lake Spenard canal opposite the Anchorage Airport.

(ii) *North or south takeoff or landing.* The traffic pattern shall lie to the side of the east side of Lake Hood.

(4) *Limitations.* (i) Only aircraft equipped with fully functioning two-way radio will be authorized to make a south takeoff from Lake Hood or to enter the traffic pattern for a north landing on Lake Hood.

(ii) No aircraft shall make a takeoff to the south from Lake Hood or enter

traffic for a landing to the north at Lake Hood without having received a traffic clearance by radio from the Anchorage tower.

(iii) No aircraft shall enter the landing area in use while taxiing "on the step."

(5) *Takeoff.* (i) A pilot shall not begin a takeoff run until he has determined that the landing area and the final approach are clear of traffic.

(ii) Aircraft remaining in the traffic pattern:

(a) *East or south takeoff.* Execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level, and follow the rectangular pattern for an east or south wind respectively.

(b) *West or north takeoff.* Execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level and follow the rectangular pattern for a west or north wind respectively.

(iii) *Departing aircraft—(a) East takeoff.* Execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the initial crosswind leg, execute a turn of 45° to the right.

(b) *South takeoff.* Execute a turn of 180° to the left at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the downwind leg, execute a turn of 45° to the right.

(c) *West or north takeoff.* Execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the initial crosswind leg, execute a turn of 45° to the left.

(6) *Landing—(i) Traffic pattern entry.* Enter the traffic pattern at an altitude of 600 feet mean sea level and at an angle of 45° to the approximate midpoint of the downwind leg.

(7) *Taxiing route for takeoff—(i) Taxiing for a west takeoff from Lake Spenard.* All aircraft maneuvering from parking areas in Lake Hood for a west takeoff from Lake Spenard shall follow a counter-clockwise flow of taxiing traffic in Lake Hood until the pilot has determined that the canal, landing approach, and landing area is clear of traffic, then proceed through the canal in an expeditious manner. All taxiing in Lake Spenard shall be confined to the area south of a projection of the north shore line of the canal.

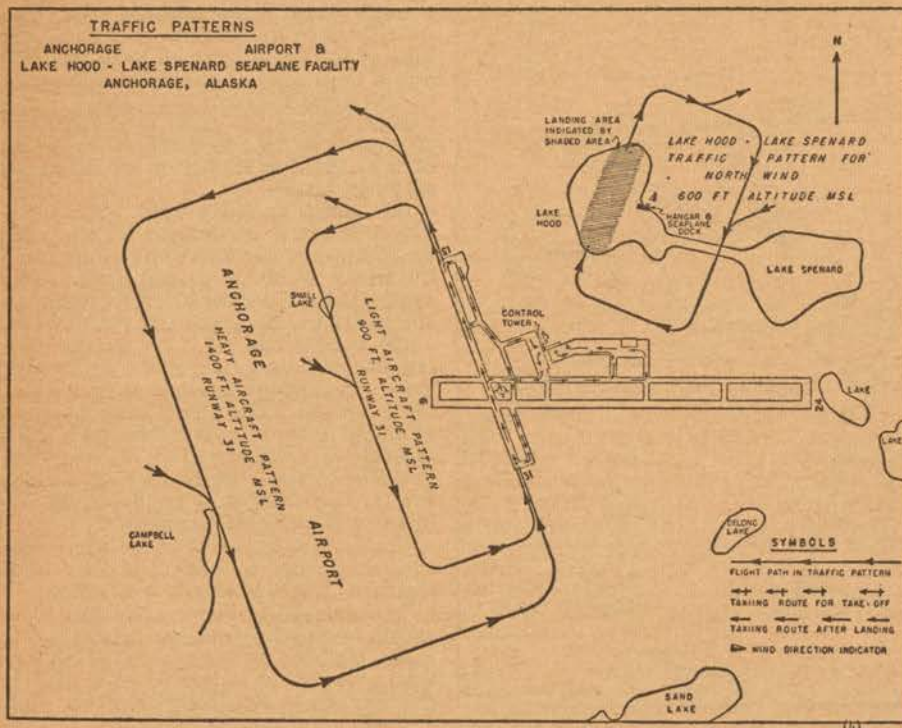
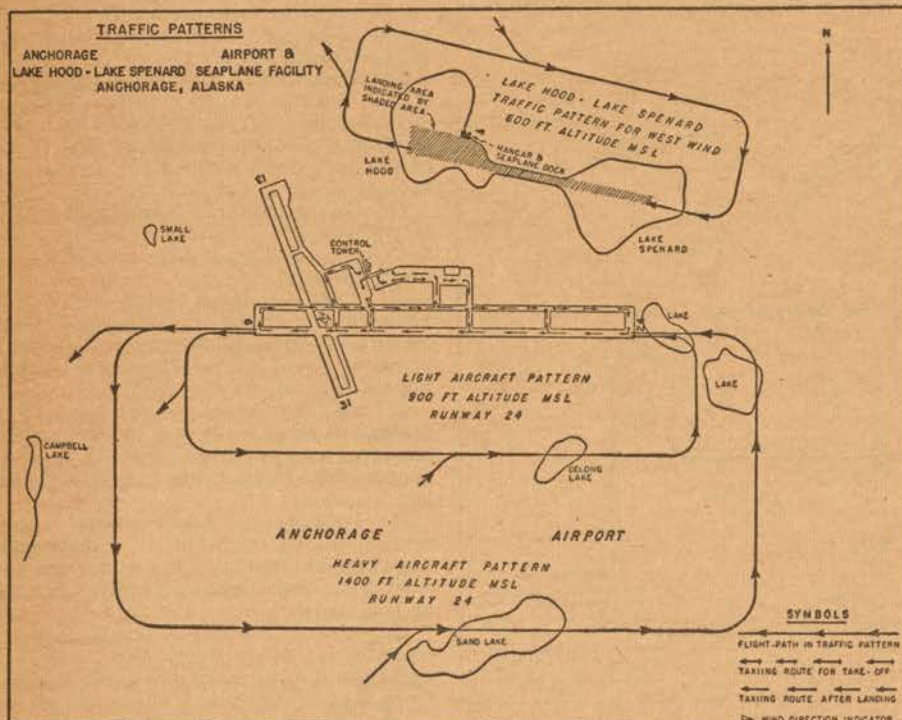
(ii) *Taxiing for an east takeoff from Lake Hood.* Aircraft maneuvering from parking areas for an east takeoff from Lake Hood through the canal, shall follow a counter-clockwise flow of taxiing traffic in Lake Hood until the pilot has determined that the canal is clear of all taxiing traffic.

(iii) *Taxiing for a south takeoff from Lake Hood.* Aircraft maneuvering from parking areas for a south takeoff from Lake Hood shall follow a counter-clockwise flow of taxiing traffic in Lake Hood to a takeoff position near the north shore of Lake Hood.

(iv) *Taxiing for a north takeoff from Lake Hood.* Aircraft maneuvering from parking areas for a north takeoff from Lake Hood shall follow a clockwise flow of taxiing traffic in Lake Hood to a takeoff position near the south shore of Lake Hood.

(8) *Taxiing route following landing—(i) Taxiing route after landing to the south on Lake Hood.* At the completion of the landing run, the aircraft shall be operated so as to join a counter-clockwise flow of traffic to the aircraft parking area.

(ii) *Taxiing route after landing to the north on Lake Hood.* At the completion



of the landing run, the aircraft shall be operated so as to join a clockwise flow of traffic to the aircraft parking area.

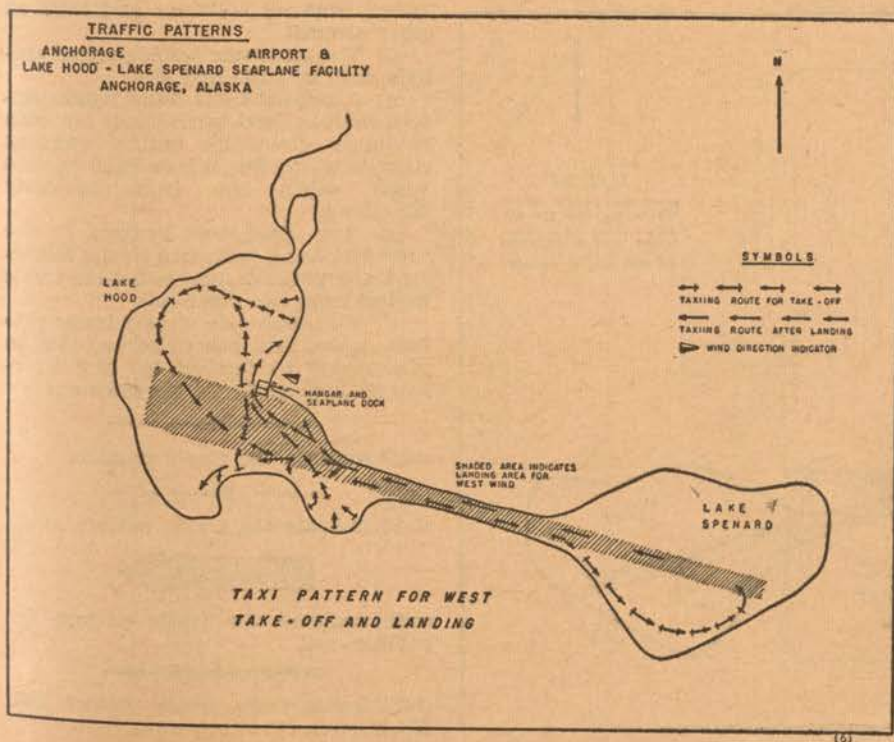
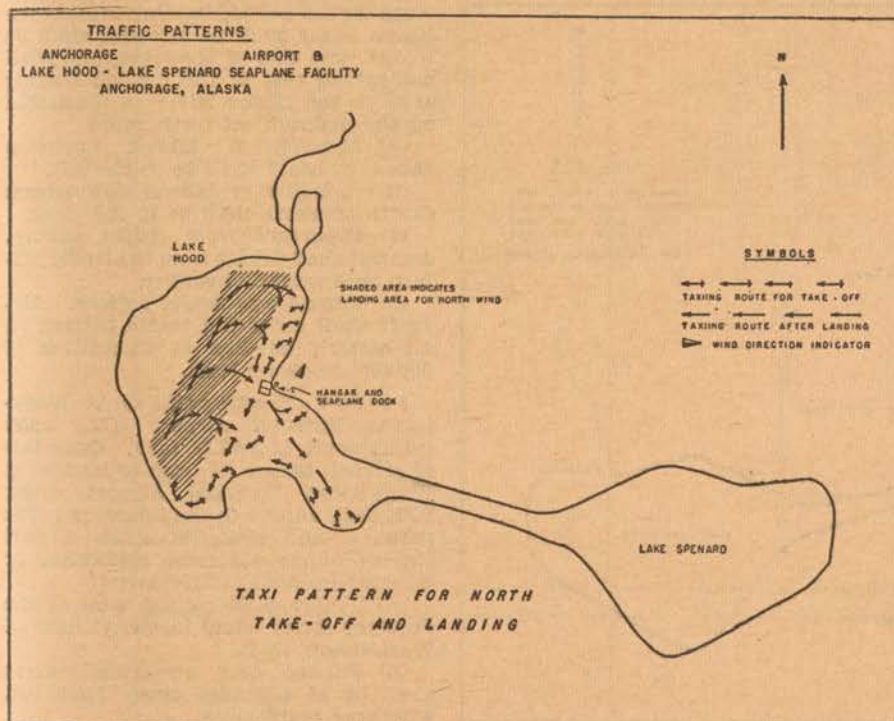
(iii) *Taxiing after landing to the east on Lake Hood.* (a) If the landing run is completed prior to entering the canal, the aircraft may be taxied direct to the aircraft parking area.

(b) If the landing run continues into the canal, proceed through the canal in an expeditious manner, following a counter-clockwise flow of traffic in Lake Spenard until it has been determined

that the landing approach and the canal are clear of traffic, then proceed expeditiously through the canal to the aircraft parking area.

(iv) *Taxiing after landing to the west on Lake Spenard or Canal.* At the completion of the landing run, proceed expeditiously through the canal and direct to the aircraft parking area.

§ 60.18-6 *Traffic patterns for Fairbanks Airport and Chena River Landing Area (CAA rules which apply to § 60.18*



(d)). Aircraft taking off from or landing at the Fairbanks Airport or the Chena River Landing Area shall adhere to the following traffic patterns and altitudes made a part thereof, unless otherwise authorized by Air Traffic Control. The subject traffic patterns shall be contained within the air space described by a 3-mile horizontal radius of the Fairbanks Airport and extending vertically to 2,500 feet mean sea level.

(a) *Fairbanks International Airport—* (1) *General.* (i) Traffic patterns at the Fairbanks Airport shall be rectangular, extending east of the CAA road and for each runway the traffic pattern shall be to the east side of the runway.

(ii) Light and heavy aircraft shall follow their respective patterns as indicated by the diagrams set forth below. The differentiation between light and heavy aircraft shall be:

(a) *Light aircraft.* Aircraft which normally use a final approach true air speed of 100 m. p. h. or less.

(b) *Heavy aircraft.* Aircraft which normally use a final approach true air speed greater than 100 m. p. h.

(2) *Takeoff—*(i) *Aircraft remaining in the traffic pattern—*(a) *Runway 1—*

(1) *Light aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level, climbing to a traffic altitude of 1,100 feet mean sea level following the rectangular pattern for runway 1.

(2) *Heavy aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,600 feet mean sea level following the rectangular pattern for runway 1.

(b) *Runway 19—*(1) *Light aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,100 feet mean sea level following the rectangular pattern for runway 19.

(2) *Heavy aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,600 feet mean sea level following the rectangular pattern for runway 19.

(ii) *Departing aircraft—*(a) *Runway 1—*(1) *Light aircraft.* Aircraft shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level, and at the approximate midpoint of the initial cross wind leg execute a turn of 45° to the left.

(2) *Heavy aircraft.* Aircraft shall execute a 45° turn to the right from the takeoff leg at an altitude of at least 800 feet mean sea level.

(b) *Runway 19—*(1) *Light aircraft.* Aircraft shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level, and at the approximate midpoint of the initial cross wind leg execute a turn of 45° to the right.

(2) *Heavy aircraft.* Aircraft shall execute a 45° turn to the left from the takeoff leg at an altitude of at least 800 feet mean sea level.

(3) *Traffic pattern entry.* (i) *Light aircraft* shall enter the traffic pattern

at an altitude of 1,100 feet mean sea level and at an angle of 45° to the approximate midpoint of the downwind leg.

(ii) Heavy aircraft shall enter the traffic pattern at an altitude of 1,600 feet mean sea level and at an angle of 45° to the approximate midpoint of the downwind leg.

(4) *Landing.* (i) Light aircraft shall be operated so as to enter the final approach at a distance of at least 100 feet from the approach end of the runway.

(ii) Heavy aircraft shall be operated so as to enter the final approach at a distance of at least 1,500 feet from the approach end of the runway.

(b) *Chena River Landing Area*—(1) *Landing area.* The landing area shall be defined as those portions of the Chena River upstream and downstream from a place on the river commonly known and identified as Pike's Landing, and extending downstream to the pumping station and upstream to the first right turn from Pike's Landing.

(2) *Traffic control.* (i) Aircraft operating in the traffic patterns defined in this chapter will not normally be controlled by the Fairbanks Control Tower.

(ii) Any traffic control instructions issued by the Fairbanks Tower to aircraft landing at or taking off from the defined landing area on the Chena River will be issued only with respect to existing traffic at the Fairbanks Airport. Separation of surface traffic, therefore, will be the responsibility of the aircraft operator.

(3) *Traffic patterns.* (i) Traffic patterns for the defined landing area on the Chena River shall be circular, shall lie to the west side of the river, and shall not extend east of the defined landing area on the Chena River as illustrated on the diagram set forth below.

(ii) Landing or takeoff upstream (north or east) shall be to the left.

(iii) Landing or takeoff downstream (south or west) shall be to the right.

(4) *Departure from traffic pattern.* Aircraft shall depart from the traffic pattern on a westerly heading.

(5) *Entrance to traffic pattern.* Aircraft shall enter the traffic pattern on an easterly heading at an altitude of 900 feet mean sea level.

§ 60.18-7 *Traffic patterns for Washington National Airport* (CAA rules which apply to § 60.18 (d)). Operators of aircraft taking off from or landing at Washington National Airport under VFR shall adhere to the following traffic patterns and altitudes made a part thereof unless otherwise authorized or directed by Air Traffic Control:

(a) Traffic shall remain west of the Potomac River while in the vicinity of Washington, D. C.

(b) Flights over residential areas shall be at altitudes above 1,200 feet whenever practicable.

(c) Safe distances shall be maintained from all buildings and from all other aircraft.

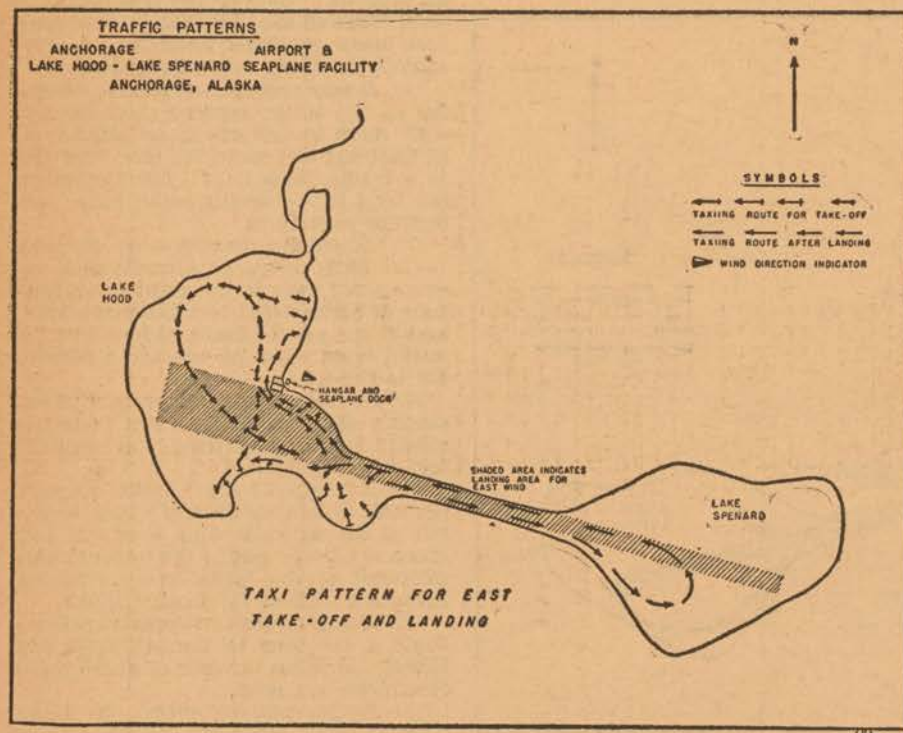
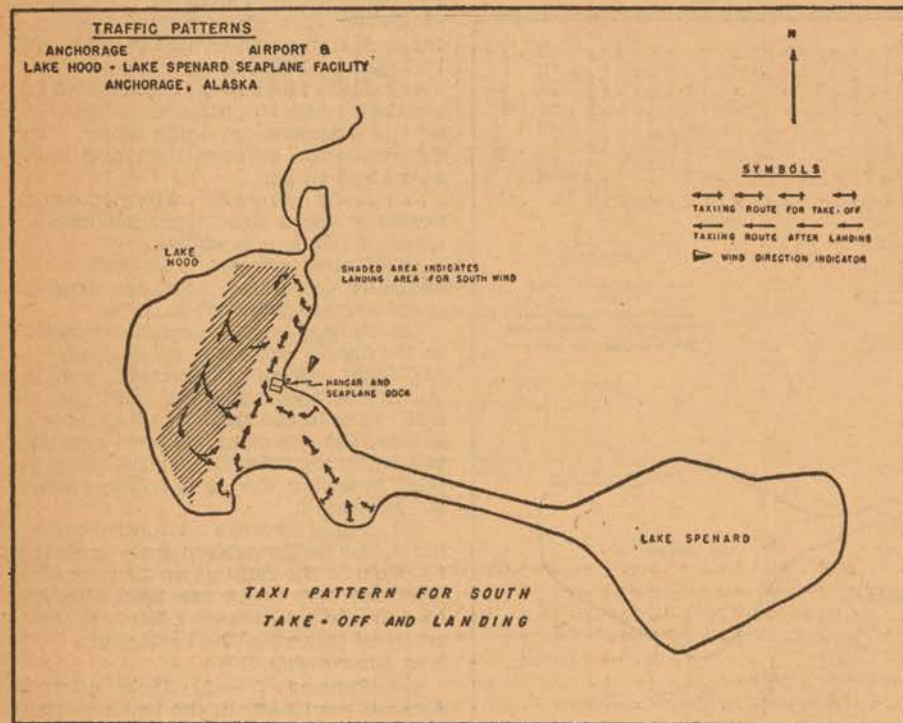
(d) The minimum traffic pattern altitude shall be 1,200 feet MSL.

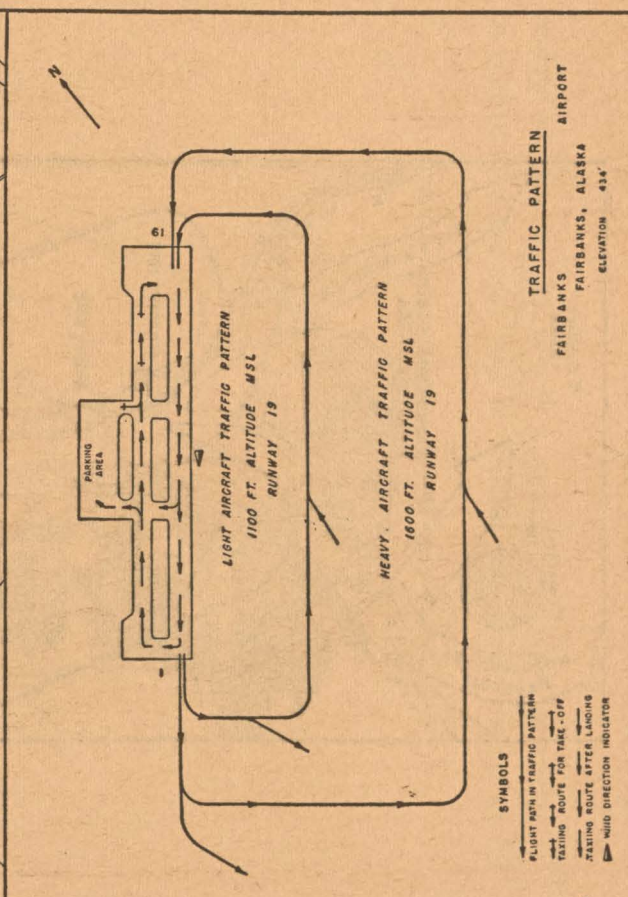
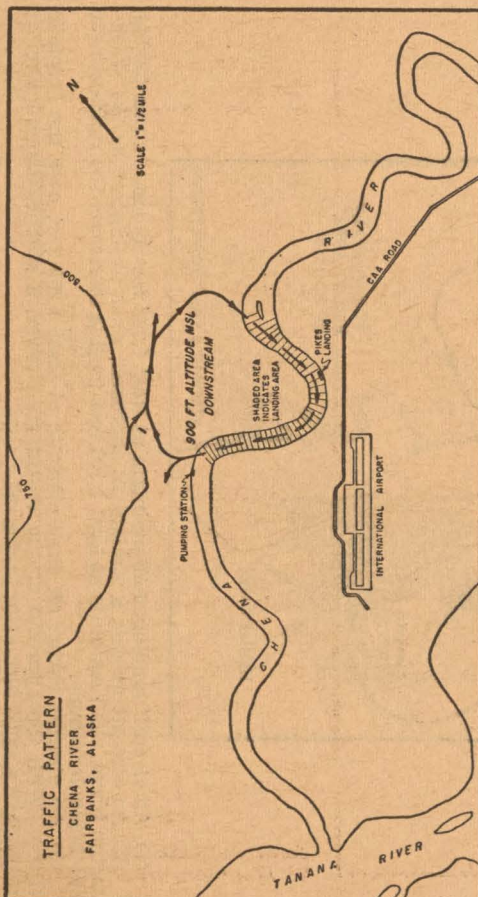
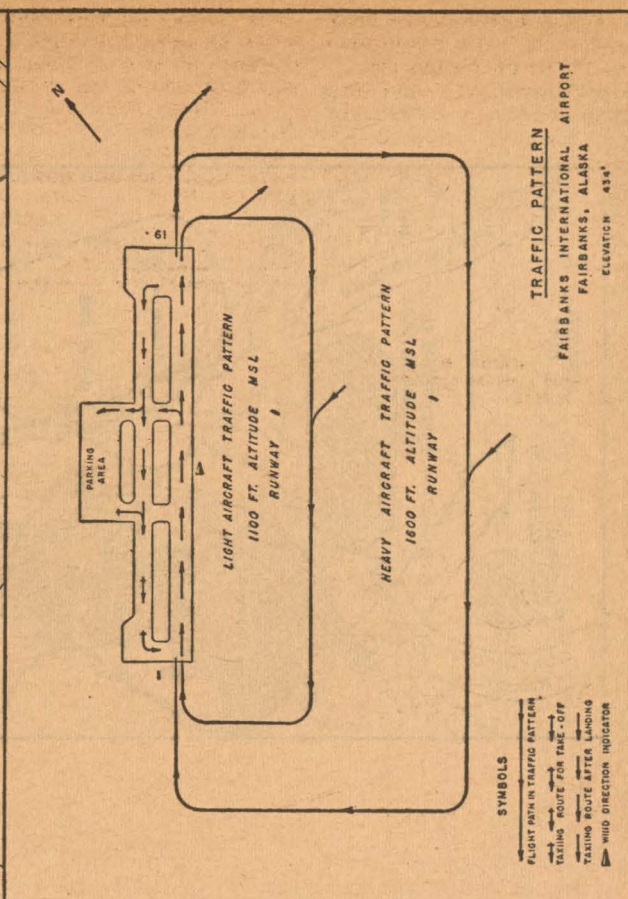
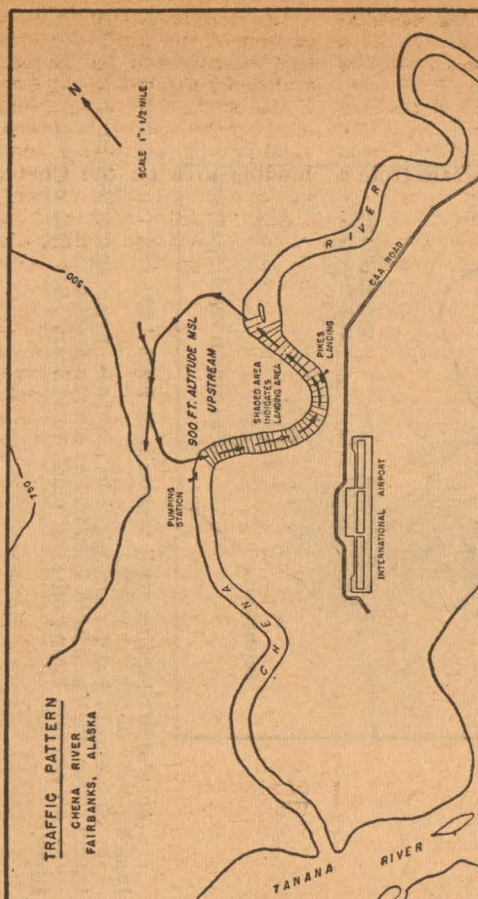
(e) A standard left-hand traffic pattern shall be used when winds are from northerly directions, and a standard right-hand traffic pattern shall be used when winds are from southerly directions.

(f) The Northwest Passage or the Riverdale Lane, indicated in the following traffic patterns, may be used by traffic to and from the northeast.

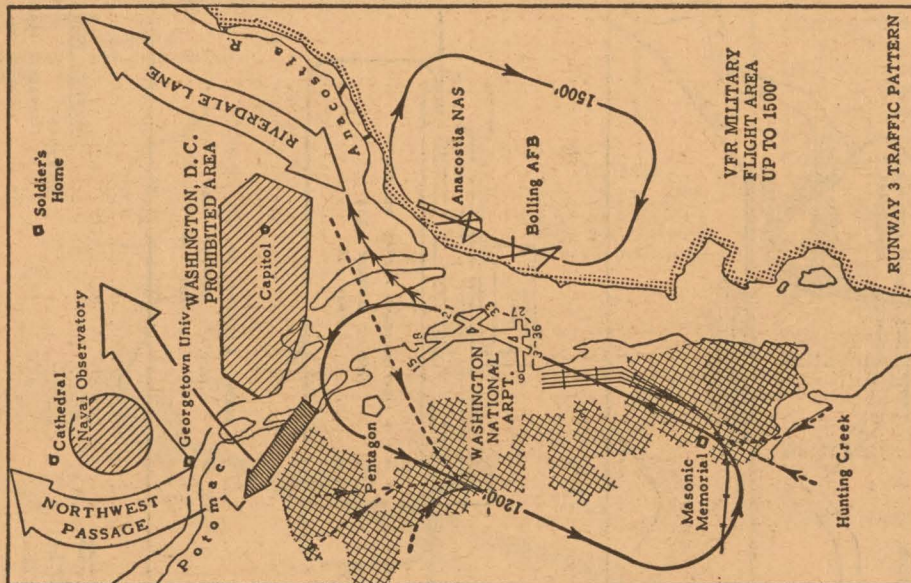
(g) The applicable airport traffic pattern drawn and otherwise provided in paragraphs (h) through (o) of this section shall be used. On the drawings

shall indicate the traffic pattern,
 shall indicate the traffic pattern entry,
 shall indicate the traffic pattern departure, and
 shall indicate the traffic pattern with Washington tower approval.



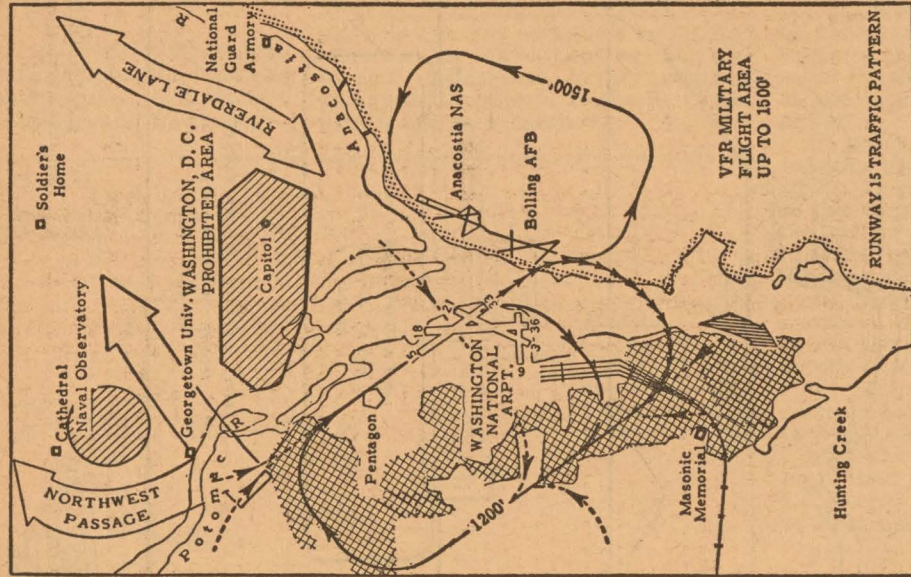


(h) The traffic pattern for runway 3 shall be:



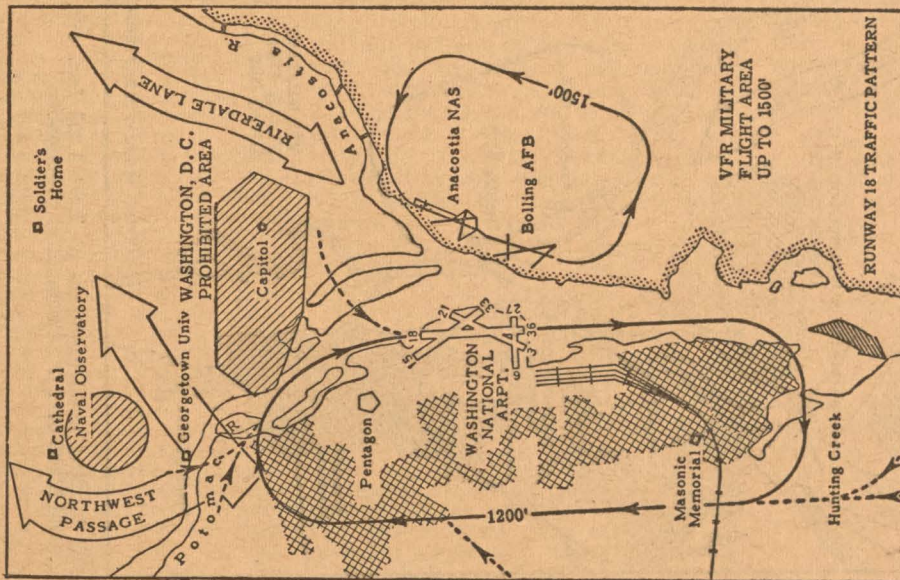
- (1) An aircraft landing shall maintain at least 1,200 feet as long as practicable.
- (2) An aircraft making a straight-in approach, when authorized by the Washington tower, shall maintain at least 1,200 feet until it intercepts the railroad near the Masonic Temple.
- (3) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River. With the approval of the Washington tower, a northeastbound aircraft may make a right turn after taking off.
- (4) The traffic pattern for runway 9 shall be specified by the Washington tower.

(j) The traffic pattern for runway 15 shall be:



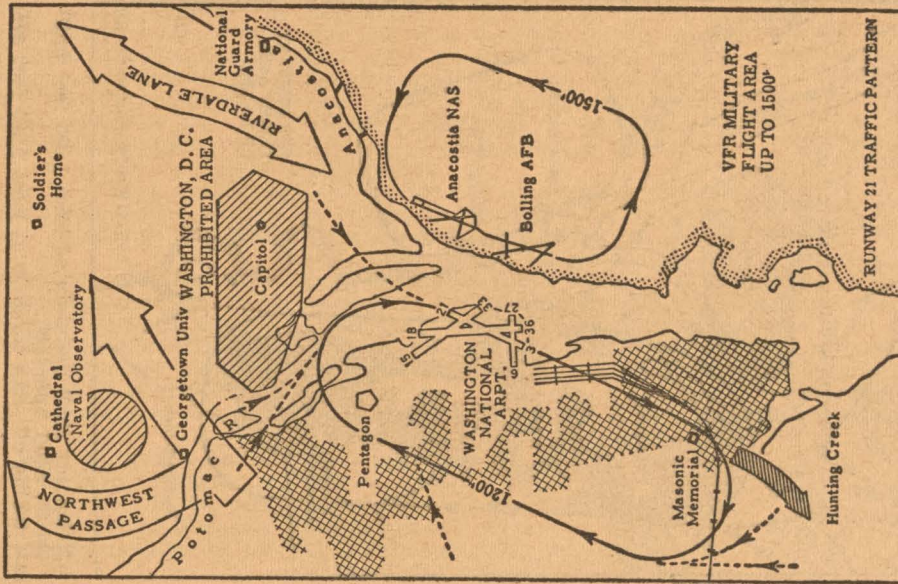
- (1) An aircraft landing shall maintain at least 1,200 feet until it turns on its base leg clear of the Pentagon.
- (2) An aircraft making a straight-in approach, when authorized by the Washington tower, shall maintain 1,200 feet as long as practicable.
- (3) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River.

(k) The traffic pattern for runway 18 shall be:



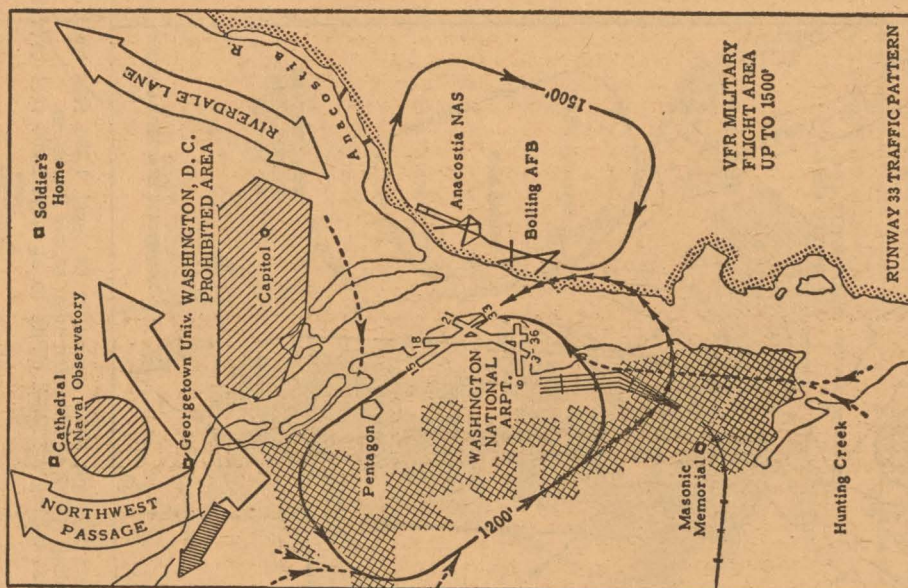
- (1) An aircraft landing shall maintain at least 1,200 feet until it turns on its base leg. It shall follow the pattern clear of the Pentagon.
- (2) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River.

(l) The traffic pattern for runway 21 shall be:



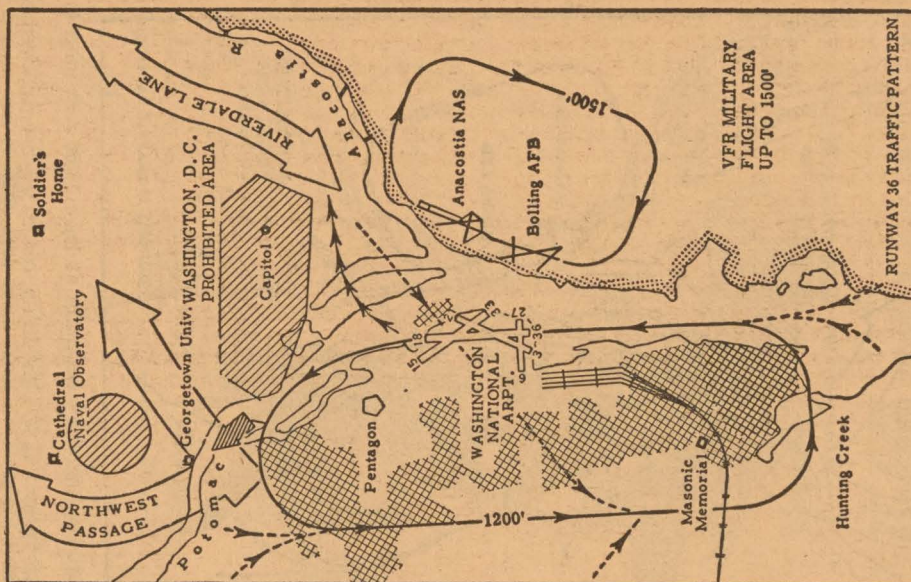
- (1) An aircraft landing shall maintain at least 1,200 feet until it turns on its base leg.
- (2) An aircraft making a straight-in approach, when authorized by the Washington tower, shall maintain at least 1,200 feet until it has passed the National Guard Armory.
- (3) An aircraft taking off shall climb to at least 1,200 feet straight ahead.
- (m) The traffic pattern for runway 27 shall be specified by the Washington tower.

(n) The traffic pattern for runway 33 shall be:



(1) An aircraft landing shall maintain at least 1,200 feet over the Potomac River. It shall avoid flight over the Pentagon if practicable.

(o) The traffic pattern for runway 36 shall be:



(1) An aircraft landing shall maintain at least 1,200 feet until it is over the Potomac River on its final approach.

(2) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River.

§ 60.21-1 *Air traffic clearance* (CAA policies which apply to § 60.21). (a) When an air traffic clearance has been obtained under either VFR or IFR rules, the pilot in command may not deviate from the provisions thereof unless an amended clearance is obtained or an emergency exists. Pilots desiring to make a change in altitude, route, or destination should request the change from an appropriate communications facility and receive Air Traffic Control approval prior to making the change.

(b) In case emergency authority is used to deviate from provisions of an air traffic clearance, the pilot in command should notify Air Traffic Control as soon as possible and obtain an amended clearance.

(c) In an emergency situation which results in no deviation from the rules prescribed in part 60, but which requires Air Traffic Control to give priority to an aircraft, the pilot of such aircraft should make a report within 48 hours of such emergency to the nearest regional office of the Administrator.

(d) An amendment to the initial clearance may be issued to a flight at any time Air Traffic Control deems such action necessary to avoid possible conflict between en route, landing, or departing aircraft.

(e) A flight is always cleared to a specific point or location (radio or visual reporting point), defined as a clearance

*An air traffic clearance is an authorization by Air Traffic Control for an aircraft to proceed under specified traffic conditions within a control zone or control area. It is issued for the purpose of preventing collision between aircraft known to Air Traffic Control and does not constitute authority to violate any provision of the CAR. A traffic clearance issued by a center and relayed through a communications facility is prefixed by "ATC clears." Other Air Traffic Control messages originated by a center for relay to a pilot will be prefixed by "ATC advised," or "ATC requests," as appropriate. Traffic clearances are issued to flights through ground-air radio communication facilities, such as radio range stations, airport traffic control towers, and air carrier and military communications stations, or on direct communications channels.

An air traffic clearance provides separation from other aircraft only during that portion of a flight conducted in weather conditions less than VFR minimums. It is the direct responsibility of the pilot to avoid other aircraft when flying in VFR conditions even with a traffic clearance. The initial traffic clearance issued to an aircraft prior to departure will normally authorize flight to the point of first intended landing, with instructions to maintain the altitude at which the aircraft enters the next control area. The pilot should request any desired altitude changes en route.

Air Traffic Control normally attempts to issue a traffic clearance specifying the altitude and route proposed in the flight plan. However, due to traffic conditions, it is frequently necessary that Air Traffic Control specify an altitude or route different from that requested by the pilot. It is important that pilots pay particular attention to the air traffic clearance and not assume that the route and altitude are the same as requested in the flight plan. It is suggested that pilots make a written record of clearances at the time they are received, and verify the clearance with Air Traffic Control if any doubt exists.

limit. When two-way radio failure is experienced and the pilot proceeds according to the latest traffic clearance, he is expected to observe the following, unless other instructions to the contrary are received:

(1) If the pilot has received and acknowledged a clearance to the destination airport or the radio facility serving that point, he should continue flight at the altitude(s) last assigned by Air Traffic Control, or the minimum instrument altitude, whichever is the higher, to the radio facility servicing the destination airport.

(2) If the pilot has received and acknowledged a clearance to a point other than the destination airport or the radio facility serving the destination airport, he should continue flight at the altitude(s) last assigned by Air Traffic Control or the minimum instrument altitude, whichever is the higher, to the radio facility serving the destination airport.

(3) If holding instructions have been received, the pilot should comply with these instructions until such time as it will be necessary to continue flight so as to arrive at the radio facility serving the destination airport at the expected approach time last received and acknowledged, maintaining the last assigned altitude or the minimum instrument altitude, whichever is the higher.

(4) If holding instructions have been received, but no expected approach time has been received, the pilot should comply with these instructions until the time Air Traffic Control has specified that further clearance may be expected. He should then continue, maintaining the last assigned altitude or the minimum instrument altitude, whichever is the higher.

§ 60.21-2 *Emergency descent* (CAA policies which apply to § 60.21). (a) Upon receipt of advice that an aircraft in flight within a control area or control zone has encountered an emergency which may affect other air traffic, Air Traffic Control will act to give the aircraft encountering the emergency priority over any other aircraft involved. Should it become necessary for an aircraft holding to make an emergency descent for a landing through other traffic, the pilot of that aircraft should so advise Air Traffic Control through appropriate communications facilities.

(b) Upon receipt of advice that an aircraft is making an emergency descent through traffic assigned altitudes over the airport, Air Traffic Control will immediately broadcast, or cause to be broadcast, on radio range frequency the following:

*The minimum instrument altitude referred to is the minimum established for that portion of the route over which the operation is conducted, regardless of the direction of flight. If deviation from the altitude assigned by Air Traffic Control is necessary in order to comply with a higher minimum instrument altitude, any subsequent descent required in order to comply with a lower minimum instrument altitude should not be made below the altitude last assigned by Air Traffic Control.

Emergency to All Concerned -----
Emergency Landing at ----- Airport
All Aircraft Below ----- Thousand Feet
Within ----- Miles of ----- Radio Range/
Omni
Leave ----- Courses Radials Immediately

(c) Upon receipt of such a broadcast, pilots of aircraft affected should clear specified areas in accordance with the emergency instructions. Air Traffic Control will issue further directions through appropriate communications facilities immediately following the emergency broadcast. When terrain or other factors make it impractical for an aircraft to maintain the last assigned altitude, Air Traffic Control will issue specific directions to the aircraft.

§ 60.23-1 *Aircraft lights in Alaska* (CAA rules which apply to § 60.23). In Alaska the lights required by this section shall be displayed when any unlighted aircraft or other unlighted prominent objects cannot readily be seen beyond a distance of 3 miles, or when the sun is more than 6° below the horizon.*

§ 60.23-2 *Operations before sunrise and after sunset* (CAA policies which apply to § 60.23). It is the policy of the Administrator to issue a certificate of Waiver or Authorization for operation before sunrise and after sunset without lights only for agricultural or industrial operations, in accordance with § 60.1-2 (b).

VISUAL FLIGHT RULES (VFR)

§ 60.30-1 *Authorization by Air Traffic Control* (CAA policies which apply to § 60.30). Authorization by Air Traffic Control to enter or depart control zones under VFR when the ceiling is less than 1,000 feet, and to fly closer to clouds than 500 feet vertically below, 1,000 feet vertically above, and 2,000 feet horizontally within a control zone will be issued in the form of an air traffic clearance. This clearance may be obtained by contacting the Airway Communications Station or airport control tower in the control zone concerned. An appropriate clearance for such flight should conform closely to the following example:

ATC clears (aircraft ident.) out of/to enter control zone (number of) miles (direction) of (airport) cruise not above (altitude) while in control zone.

§ 60.31-1 *Air traffic clearance for takeoff or landing* (CAA policies which apply to § 60.31). A VFR takeoff or landing may be made at an airport within a control zone when the flight or ground visibility is less than 3 miles only if an air traffic clearance has been received. A takeoff or departure clearance will normally contain specific instructions as to the direction of takeoff, turn after takeoff, track and altitude to be maintained, and any other necessary maneuver.

*The duration of civil twilight is the interval in the evening from sunset until the time when the center of the sun is 6° below the horizon; or the corresponding interval in the morning between sunrise and the time at which the sun was still 6° below the horizon. "Tables of Sunrise, Sunset, and Twilight," United States Naval Observatory, 1946, p. 9.

§ 60.32-1 *Odd or even altitudes on airways* (CAA rules which apply to § 60.32 (a)). (a) When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, within the boundaries of a civil airway, it shall be flown at the following altitudes:

(1) RED or GREEN airway—Eastbound, ODD thousand-foot altitudes (3,000; 5,000; etc.)—Westbound, EVEN thousand-foot altitudes (4,000; 6,000; etc.).

(2) AMBER or BLUE airway—Northbound, ODD thousand-foot altitudes (3,000; 5,000; etc.)—Southbound, EVEN thousand-foot altitudes (4,000; 6,000; etc.).

(3) EVEN numbered VOR airway—Eastbound, ODD thousand-foot altitudes (3,000; 5,000; etc.)—Westbound, EVEN thousand-foot altitudes (4,000; 6,000; etc.).

(4) ODD numbered VOR airway—Northbound, ODD thousand-foot altitudes (3,000; 5,000; etc.)—Southbound, EVEN thousand-foot altitudes (4,000; 6,000; etc.).

(5) Exceptions to the rules stated in subparagraphs (1) through (4) of this paragraph are:

(i) Where a color airway coincides with a VOR airway, the color airway shall take preference, and the ODD or EVEN altitude rule for the appropriate color airway shall apply.

(ii) Where no color airway is involved and an EVEN and ODD VOR airway coincide, the EVEN numbered VOR airway shall take preference, and the ODD or EVEN altitude rule for the EVEN numbered VOR airway shall apply.

(b) The odd or even altitude rule applicable to an airway is determined by the direction of the airway between its two terminal points, without regard to the direction of any segment or portion of the airway. Example: A green airway has one terminal point in California and the other in New York, but in Ohio a portion between fixes runs due north and south. In this case, the odd or even altitude rule for a flight eastbound or westbound applies to the entire flight along the airway.

(c) "Odd or even" altitude indicators for the airways are shown on Radio Facility Charts. Additional information regarding odd and even flight altitudes on civil airways appears in the Flight Information Manual.

§ 60.33-1 *VFR flight plans* (CAA policies which apply to § 60.33). (a) VFR flight plans may be filed in person or by telephone or radio with any Airway Communications Station or control tower operator.

(b) Good operating practices in connection with planning a flight, filing flight plan, flying the flight plan, carrying out radio communications procedures for all purposes can be found in the CAA Technical Manual No. 102, "Pilots' Radio Handbook."*

* For sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. The price of the manual is 55 cents.

INSTRUMENT FLIGHT RULES (IFR)*

§ 60.46-1 *Standard instrument approach procedures* (CAA rules which apply to § 60.46). Standard instrument approach procedures prescribed by the Administrator are published in part 609 of this title.

§ 60.46-2 *Instrument approach ceiling and visibility minimums* (CAA policies which apply to § 60.46). Authorization for lower instrument approach ceiling and visibility minimums than those prescribed by the Administrator in Part 609 of this title may be issued for approaches at those airports where the minimums have not been revised in accordance with the new policy.⁸ The issuance of an authorization is subject to the following conditions:

(a) *Application.* (1) Application will be made on Form ACA-400, Application for Certificate of Waiver. The application, in triplicate, will be submitted to any local Aviation Safety District Office.

(2) Arrange with Aviation Safety District Office for inspection of the aircraft equipment and instrument competency flight test for each pilot in command who will operate the aircraft under the lower ceiling and visibility minimums.

(b) *Issuance requirements.* The authorization for lower minimums may be issued to the owner of the aircraft, the operator, individual pilot, or pilots employed by the owner or operator, upon compliance with the following:

(1) *Aircraft.* Aircraft must be equipped with approved type radio equipment appropriate for the types of approaches requested.

(2) *Pilots.* Each pilot in command will be properly certificated, hold a currently valid instrument rating, and demonstrate to an agent his competency to execute safely the approach procedures for each type of approach to the minimums requested. This flight test will be conducted by an agent and will include pertinent items of the standard instrument rating test on the systems to be used.

* For information concerning instrument flight operations, see the following:

(1) The Flight Information Manual which may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. at 50 cents.

(2) ANC Procedures for the Control of Air Traffic, available from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.; the price including supplementary revision service is \$1.

(3) Instrument Approach and Landing Charts which may be purchased from the Coast and Geodetic Survey, Department of Commerce, Washington 25, D. C., at 5 cents each.

* In accordance with the present policy, ceiling and visibility minimums for approaches are being revised for all airports. Such minimums are based on obstruction clearance criteria and are the lowest minimums which can be used by anyone. Ultimately all airports will have the revised minimums in effect. During the interim period minimums established under the old policy will exist at some airports. Authorization to use lower minimums may be granted for these airports.

(3) *Aircraft more than 12,500 pounds.* When aircraft of more than 12,500 pounds are used, each pilot in command and copilot will be required to successfully complete an equipment check to determine his familiarity with the aircraft. The equipment check is to be conducted by a representative of the Administrator, and based on the aircraft manufacturer's specifications.

(4) *Pilot training program.* The applicant should provide a pilot training program which should include training on instrument approach procedures, air traffic control procedures, and other subjects deemed necessary by the agent to assure continuing proficiency on the types of instrument approaches involved; and at least two instrument approaches, actual or hooded flight, every 30-day period on each type of approach for which authority is requested. Approaches made to the minimums authorized during the course of regular trips can be counted toward meeting these requirements.

(c) *Operational requirements.* (1) Instrument approach may not be conducted below the minimums established for air carrier use, and never lower than the minimums to which the pilots have demonstrated their competency.

(2) Current information on scheduled air carrier minimums for the airports into which operations are to be conducted are to be readily available in the cockpit at all times during flight.

(3) Each pilot in command is expected to successfully complete requalifying instrument competency checks within 6 months prior to exercising the authority for lower minimums. The recheck is to be conducted by a representative of the Administrator. When aircraft of over 12,500 pounds are utilized, each pilot in command and copilot is expected to successfully complete an equipment check each 6 months prior to exercising authority for lower minimums.

(4) There is expected to be available in the cockpit at all times during flight, current flight information data, such as Radio Facility Guide, Airman's Guide, Approach Procedures, and maps.

(5) Special provisions applicable to the type of operation and aircraft equipment may be entered on and become a part of the authorization. These may include any or all, but are not limited to, those listed in appendix C.

(d) *Duration.* (1) The authorization is valid for a period of 12 months, but may be surrendered by the holder or terminated by the Administrator at any time.

(2) Failure to comply with any of the conditions under § 60.46-1 (b) and (c), or the Special Provisions appended to the authorization, is considered sufficient grounds for terminating the authorization for lower minimums.

(e) *Reissuance.* (1) The authorization may be reissued for a period of 12 months, upon application.

(2) Requirements for reissuance are identical to those for original issuance.

§ 60.47-1 *Route of flight and communications procedures* (CAA policies which apply to § 60.47)—(a) *Off-airway*

operation. If a flight is to be conducted over an off-airway route which joins or crosses civil airways, or terminates within civil airways, the route of flight should be indicated, and check points within control zones or areas over which the flight will pass are to be selected. The check points selected are to be points over which the position of the aircraft can be accurately determined or regularly designated reporting points.

(b) *Change of flight plan.* Any change of altitude or route of flight from that specified in the traffic clearance, should be reported to the air traffic control center or flight advisory area before the change is made. A change of flight plan should be reported and approval received before the change is made while operating within a control area; or, if outside of control area, prior to entering a control area.

§ 60.49-1 *Two-way radio failure procedures (CAA policies which apply to § 60.49 (b))*—(a) *En route procedures.* If the pilot proceeds according to the latest traffic clearance but has not received and acknowledged a clearance for an approach and if other instructions to the contrary are not received, he will be expected to observe the following, and control will be effected accordingly:

(1) If the pilot has received and acknowledged a clearance to the destination airport or the radio facility serving that point, he shall continue flight at the altitude(s) last assigned by Air Traffic Control, or the minimum instrument altitude* (minimum en route IFR altitudes published under Part 610 of this

title) whichever is the higher, to the radio facility serving the destination airport.

(2) If the pilot has received and acknowledged a clearance to a point other than the destination airport or the radio facility serving the destination airport and

(3) Holding instructions have not been received, he shall continue flight at the altitude(s) last assigned by Air Traffic Control or the minimum instrument altitude,* whichever is the higher, to the radio facility serving the destination airport or

(4) Holding instructions and expected approach clearance time have been received, the pilot shall comply with these instructions until such time as will be necessary to continue flight so as to arrive at the radio facility serving the destination airport at the expected approach time last received and acknowledged, maintaining the last assigned altitude or the minimum instrument altitude,* whichever is the higher, or

(5) Holding instructions have been received but no expected approach time has been received, the pilot shall comply with these instructions until the time Air Traffic Control has specified that further clearance may be expected. He shall then continue, maintaining the last assigned altitude or the minimum instrument altitude,* whichever is the higher.

Example: A flight is cruising at 8,000 feet (last assigned altitude) on an IFR flight plan when radio failure occurs. After passing the next fix, the minimum

en route altitude is 10,000 feet and climb is made to that altitude. On the last leg of the flight the minimum en route altitude is 3,500 feet. The flight descends back to 8,000 feet after passing the fix defining the termination of the 10,000-foot minimum en route altitude segment since the last assigned altitude (8,000 feet) is higher than the MEA (3,500 feet).

(b) *Instrument letdown.* Descent from the altitude maintained to the radio facility serving the destination airport shall be made on the final approach course and shall start at the expected approach time last received. If no expected approach time was received, descent shall be started at the last estimated arrival time specified by the pilot, or as soon as possible thereafter. A full standard instrument approach shall be executed unless a VFR approach can be made.

If a clearance for an approach at the airport of intended landing has been received and acknowledged, the pilot shall be expected to comply with any special instructions contained in the clearance or other instructions¹⁰ and make normal descent for landing.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

New and revised material shall become effective April 15, 1955.

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3042; Filed, Apr. 15, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. AO-266]

[7 CFR Part 1000]

HANDLING OF MILK IN THE CHATTANOOGA, TENNESSEE, MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 600, Dome Bldg., Georgia Avenue and Eighth Street, Chat-

tanooga, Tenn., beginning at 10:00 a. m., local time, May 17, 1955.

Subject and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Chattanooga, Tennessee, marketing area, and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order provisions set forth below have not received the approval of the Secretary of Agriculture. At the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any appropriate modifications thereof.

The hearing on the proposed marketing agreement and order is to determine whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce (2) the issuance of a marketing agreement or order regulating the handling of milk in the Chattanooga, Tennessee, area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the

Agricultural Marketing Agreement Act, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Marketing agreement and order proposed by the Chattanooga Area Milk Producers Association:

DEFINITIONS

§ 1000.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 1000.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1000.3 *Department of Agriculture.* "Department of Agriculture" means the U. S. Department of Agriculture or any

*The minimum instrument altitude referred to is the minimum en route IFR altitude established in Part 610 of the Regulations of the Administrator for that portion of the route over which the operation is conducted, regardless of the direction of flight. If deviation from the altitude assigned by Air Traffic Control is necessary in order to comply with a higher minimum instrument altitude, any subsequent descent required by a lower minimum instrument altitude shall not be made below the altitude last assigned by Air Traffic Control.

¹⁰ Air Traffic Control may issue appropriate instructions by means of "blind" transmissions on radio frequencies directly available or may authorize "blind" transmissions of appropriate instructions over air carrier radio facilities (for air carrier aircraft), and/or over suitable radio range facilities. Instructions should not be broadcast unless authorized by Air Traffic Control.

other Federal agency that may be authorized by Act of Congress or by executive order to perform the price reporting functions of the U. S. Department of Agriculture.

§ 1000.4 Chattanooga, Tennessee, Marketing Area. "Chattanooga, Tennessee, Marketing Area" means all territory included within Hamilton County in the State of Tennessee.

§ 1000.5 Person. "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1000.6 Producer. "Producer" means any person other than a producer-handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, and whose milk is received at any pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any dairy farmer with respect to milk received at a plant partially exempted from the provisions of this order pursuant to § 1000.61.

§ 1000.7 Delivery period. "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

§ 1000.8 Nonpool plant. "Nonpool plant" means any milk processing, packaging or manufacturing plant other than a pool plant.

§ 1000.9 Pool plant. "Pool plant" means any plant, other than that of a producer-handler:

(a) Approved or recognized by any health authority having jurisdiction within the marketing area for the receipt or processing of Grade A milk and from which Class I milk is disposed of on route(s) in the marketing area.

(b) During any of the months of March through August within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from producers and other pool plants and disposes of as Class I milk on routes in the marketing area an amount equal to 20 percent or more of such plant's total receipts from producers and other pool plants.

(c) During the months of September through February, within which such plants dispose of as Class I milk an amount equal to 50 percent or more of such plant's total receipts of milk from producers and disposes of as Class I milk on routes in the marketing area an amount equal to 25 percent or more of such plant's total receipts from producers; and

(d) For the purpose of this definition, the following shall apply:

(1) Milk diverted from a pool plant for the account of the handler operating such pool plant shall be considered a receipt at the pool plant from which it was diverted; and

(2) Milk diverted from the pool plant to a nonpool plant for the account of a cooperative association which does not operate a plant shall be deemed to have

been received by such cooperative association at a pool plant.

§ 1000.10 Handler. "Handler" means:

(a) Any person in his capacity as the operator of a pool plant; and

(b) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to a nonpool plant for the account of such cooperative association; and

(c) Any person other than a producer-handler in his capacity as operator of a nonpool plant used during the month in accordance with § 1000.9 (a).

§ 1000.11 Cooperative association. "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 1000.12 Producer-handler. "Producer-handler" means any person who is both a producer and a handler, but who receives no milk from other producers.

§ 1000.13 Market administrator. "Market administrator" means the person designated pursuant to § 1000.20 as the agency for the administration of this part.

§ 1000.14 Producer milk. "Producer milk" means all skim milk and butterfat produced by a producer other than a producer-handler which is received at a pool plant either directly from such producer or from other handlers.

§ 1000.15 Other source milk. "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 1000.16 Route. "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 1000.41 (a), other than a delivery to any milk processing plant.

§ 1000.17 Base milk. "Base milk" means producer milk received by handlers from a producer during any of the months of March through August which is not in excess of such producer's daily base determined pursuant to § 1000.90 multiplied by the number of days during the month for which milk was received from such producer.

§ 1000.18 Excess milk. "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the months of March through August.

MARKET ADMINISTRATOR

§ 1000.20 Designation. The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1000.21 Powers. The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 1000.22 Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions.

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles the funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1000.87 the cost of his bonds and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1000.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may request.

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request.

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends.

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person, who within ten days after the date upon which he is required to perform such acts, has not—

(1) Made reports pursuant to §§ 1000.30 through 1000.32, or

(2) Made payments pursuant to §§ 1000.80 through 1000.87.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the class prices and butterfat differentials computed pursuant to §§ 1000.50 through 1000.52; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to §§ 1000.71 and 1000.72 as ap-

plicable and the butterfat differential computed pursuant to § 1000.81, both for the previous month.

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 12th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS AND FACILITIES

§ 1000.30 *Periodic reports.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and the aggregate quantities of base and excess milk during the months of March through August.

(b) The quantities of skim milk and butterfat contained in receipts of milk products from other handlers;

(c) The quantities of skim milk or skim milk equivalent and butterfat contained in receipts of other source milk (except Class II or III products disposed of in the form in which received without processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in all milk, skim milk and cream and other Class I and II products on hand at the beginning and at the end of the months; and

(f) Such other information with respect to the receipts and use of milk as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I and II milk on routes outside the marketing area.

§ 1000.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and cooperative producers association:

(a) His total deliveries of base milk and total delivery of milk in excess of base milk, and the number of days for which milk was received from each producer;

(b) The average butterfat content of his milk; and

(c) The amount of such handler's payments to such producer and cooperative association with the prices, deductions and charges involved.

§ 1000.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

(b) Each handler who causes milk to be diverted to a nonpool plant shall,

prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 1000.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the regular hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of the month.

§ 1000.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notice from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1000.40 *Skim milk and butterfat to be classified.* All skim milk or skim milk equivalent and butterfat received within the month by a handler which is required to be reported pursuant to § 1000.30 shall be classified by the market administrator pursuant to the provisions contained in §§ 1000.41 through 1000.46.

§ 1000.41 *Classes of utilization.* Subject to conditions set forth in §§ 1000.43 and 1000.44, classes of utilization shall be:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butter-

fat not specifically accounted for as Class II or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce, or disposed of, in the form of ice cream, frozen desserts, cottage cheese and cream used in creaming cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in frozen cream placed in storage; (4) in skim milk dumped, after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage up to two percent of receipts from producers; (6) in shrinkage of other source milk; and (7) in inventory at the end of the month in the forms specified in paragraph (a) (1) and (2) of this section.

§ 1000.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class III milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the pool plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 1000.6) and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 1000.41 (a) and (b) and (c) which is in Class III milk. The resulting amounts of skim milk and butterfat shall be classified as Class III milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II and Class III milk pro rata to producer milk and other source milk.

(e) For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such milk and butterfat was diverted, and excluded from receipts of the diverting handler.

§ 1000.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the satisfaction of the market administrator that it should be classified otherwise.

(b) (1) Any skim milk or butterfat classified as Class II or III milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk.

(2) Any skim milk or butterfat which was classified as Class III in the previous month pursuant to § 1000.41 (c) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 1000.46 (a) (3) or the corresponding step of § 1000.46 (b).

§ 1000.44 *Transfers.* Skim milk and butterfat transferred or diverted by a handler shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the month in which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk, or cream to another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 200 miles from the pool plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified according to its utilization as established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class III milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk or skim milk to a nonpool plant distributing fluid milk or cream and located less than 200 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such nonpool plant from dairy farmers whom the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant in markets supplied by such plant.

(e) As Class III milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant, located not more than 200 miles from the pool plant, and which does not distribute fluid milk or cream, except that where such nonpool plant is operated by a person who is also a handler or an affiliate of a handler, (1) the market administrator shall be permitted to audit the records of receipts and utilization at such nonpool plant, and (2) to the extent that skim milk or butterfat so transferred or diverted to such nonpool plant shall be classified as if moved directly from the pool plant to such other milk plant.

§ 1000.45 *Computations of the skim milk and butterfat in each class.* For

each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler.

§ 1000.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 1000.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III, the pounds of skim milk determined pursuant to § 1000.41 (c) (5);

(2) Subtract from the remaining pounds of skim milk in series beginning with Class III, the pounds of skim milk in receipts of other source milk;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class III, the pounds of skim milk in inventory at the beginning of the month specified in § 1000.41 (c) (7);

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of skim milk according to its classification as determined pursuant to § 1000.44 (a);

(5) Add to the remaining pounds of skim milk in Class III the pounds of skim milk pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class III milk. Any amount to be subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I, II and III milk computed pursuant to paragraphs (a) and (b) of this section.

§ 1000.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4;

Present Operator and Location

Carnation Co., Richland Center, Wis.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Whitehouse Milk Co., West Bend, Wis.
Carnation Co., Chilton, Wis.

Carnation Co., Berline, Wis.
Carnation Co., Oconomowoc, Wis.
White House Milk Co., Manitowoc, Wis.
Pet Milk Co., Belleville, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, add twenty (20%) percent thereof and multiply by four (4).

(2) From the simple average as computed by the market administrator, of the weighted averages of carlot price per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and multiply by 0.96.

§ 1000.51 *Class prices.* Subject to the provisions of § 1000.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus \$2.00 during all months of the year. To this price, add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I sales (excluding inter-handler transfers) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage range	
		Minimum	Maximum
January.....	November-December.....	108	118
February.....	December-January.....	110	120
March.....	January-February.....	112	122
April.....	February-March.....	121	131
May.....	March-April.....	127	137
June.....	April-May.....	126	136
July.....	May-June.....	123	133
August.....	June-July.....	119	129
September.....	July-August.....	114	124
October.....	August-September.....	113	123
November.....	September-October.....	112	122
December.....	October-November.....	113	123

(3) (i) For each minus point from the minimum percentage listed herein, the Class I price shall be increased 3 cents during the months of February, March, July and August, 2 cents during the

months of April, May, and June, and 4 cents during the months of September, October, November, December, and January.

(ii) For each plus point from the maximum percentage listed herein, the Class I price shall be decreased 3 cents during the months of July, August, February and March; 4 cents during the months of April, May, and June, and 2 cents during the months of September, October, November, December, and January.

(4) *Provided*, That in no event shall an adjustment made pursuant to subparagraph (3) of this paragraph exceed 23 cents per hundredweight.

(b) *Class II milk price.* For the months of December through August the price for Class II milk shall be the price determined pursuant to subparagraph (1) of this paragraph rounded to the nearest cent. For all other months it shall be the basic formula price or the price determined pursuant to subparagraph (1) of this paragraph, whichever is less, plus 25 cents.

(1) The arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Market Administrator or to the Department of Agriculture on or before the 6th day after the end of the month.

Company and Location

Foremost Dairies, Columbia, Tenn.
Kraft Foods Co., Fayetteville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.

(c) *Class III milk price.* The price per hundredweight for Class III milk of 4.0 percent butterfat content shall be the arithmetical average of the basic prices computed pursuant to paragraph (b) (1) of this section, less 25 cents.

§ 1000.52 *Handler butterfat differential.* If the average butterfat test of Class I, II or III milk as calculated pursuant to § 1000.46 is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below four percent (4%), a butterfat differential computed by multiplying the simple average as computed by the market administrator of the wholesale selling price per pound (using the midpoint of any price range) of Grade A (92-score) bulk creamery butter at Chicago as reported by the U. S. Department of Agriculture during the month specified by the figure specified below for each class and rounding the result to the nearest one-tenth cent:

Class I-0.12; Class II-0.12; and Class III-0.11;

APPLICATION OF PROVISIONS

§ 1000.60 *Producer-handlers.* Sections 1000.40 through 1000.46, 1000.50 through 1000.52, 1000.61, 1000.70, and 1000.71, and 1000.80 through 1000.83 shall not apply to a producer-handler.

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§ 1000.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk on routes regulated by another milk marketing order and agreement issued pursuant to the act, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this part, is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund with respect to all skim milk and butterfat disposed of (except to other handlers) as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 13th day after the end of each delivery period.

§ 1000.62 *Handlers operating nonpool plants.* Each handler who operates a nonpool plant which is not a pool plant during a delivery period shall, in lieu of the payments required to be made pursuant to the provisions of § 1000.80 through § 1000.85, pay to the market administrator for deposit in the producer-settlement fund, on or before the 25th day after the end of such delivery period, an amount computed as follows:

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I or II milk during the delivery period multiplied by the difference between the price for Class I or II milk pursuant to § 1000.51 (a) or (b) and the price for Class III milk pursuant to § 1000.51 (c).

§ 1000.70 *Net pool obligations of handlers operating pool plants.* The net pool obligation for milk received during each month by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 1000.46 (c) by the applicable respective prices (adjusted pursuant to § 1000.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1000.46 (a) (6) by the applicable respective class prices;

(c) Add a reclassification charge computed at a rate equal to the differences between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to § 1000.46 (a) (3) and the corresponding step of

§ 1000.46 (b); which is not in excess of the skim milk and butterfat, respectively, remaining in Class III milk in the previous month pursuant to § 1000.46 (a) (4) and the corresponding step of § 1000.46 (b);

(d) Add a reclassification charge computed at a rate equal to the differences between the Class I and Class II prices as originally classified and the Class III price for the current month for other source milk disposed of as Class I or Class II milk during the month;

(e) For any other skim milk or butterfat reclassified pursuant to § 1000.43 (b) (1), a charge shall be computed at the difference between its values at the Class I or II price and its value at the Class III price, both for the current month.

(f) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 1000.46 (a) (2) and (b), add an amount equal to the difference between the value of such skim milk and butterfat at the Class I or Class II price and its value at the Class III price, all for the current month.

§ 1000.71 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through August, the market administrator shall compute the uniform price per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 1000.70 for all handlers who made the reports prescribed in § 1000.30 and who made the payments pursuant to §§ 1000.80 and 1000.83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4 percent or add if such average butterfat content is less than 4 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4 percent by the butterfat differential computed pursuant to § 1000.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class III milk included in these computations by the price of Class II milk of 4 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class III milk by the price of Class I or II milk of 4 percent butterfat content and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4 percent butterfat content received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained

in paragraph (c) of this section and adjust to any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4 percent butterfat content received from producers.

§ 1000.72 Computation of uniform price. For each of the months of September through February, the market administrator shall compute the uniform price per hundredweight for milk of 4 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1000.70 for all handlers who made the reports prescribed in § 1000.30 and who made the payments pursuant to §§ 1000.80 and 1000.83 for the preceding month;

(b) Add not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4 percent, or add if such average butterfat content is less than 4 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4 percent by the butterfat differential computed pursuant to § 1000.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting amount shall be the uniform price for milk of 4 percent butterfat content received from producers.

PAYMENTS

§ 1000.80 Time and method of payment. Each handler operating an approved plant shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 1000.71 or § 1000.72, adjusted by the butterfat differential computed pursuant to § 1000.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 1000.84, he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the 27th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such month, at the approximate value of such milk;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative, each handler shall (i) pay to the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, respectively, an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior order or as evidenced by a delivery ticket signed by the producer, (ii) submit to the cooperative association on or before the 10th day of each month written information which shows for each member-producer (a) the total pounds of milk received during the preceding month, (b) the total pounds of butterfat contained in such milk, (c) the number of days on which such milk was received, (d) the amount of base and excess milk received and (e) the amounts withheld by the handler in payment for supplies sold, and (iii) submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1000.81 Producer butterfat differential. The applicable price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of the handler allocated to Class I, II, and III, by the respective butterfat differential for each class, and dividing the sum of such values by the total pounds of such butterfat and round-

ing the resultant figure to the nearest one-tenth of a cent.

§ 1000.82 Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1000.83 and 1000.85, §§ 1000.61, and 1000.62, and out of which he shall make all payments to handlers pursuant to §§ 1000.84 and 1000.85: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 1000.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 1000.83 Payments to the producer-settlement fund. On or before the 13th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 1000.80.

§ 1000.84 Payments out of the producer-settlement fund. (a) On or before the 14th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 1000.80 is greater than the net pool obligation of such handler: *Provided*, That the market administrator may withhold payments to handlers out of the producer-settlement fund to the extent that such handler is in default on payments to the market administrator under §§ 1000.83, 1000.86, and 1000.87.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1000.85 Adjustment of errors in payments. (a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 1000.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the

producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 1000.80, no handler shall be deemed to be in violation if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 1000.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct 8 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 1000.80 (a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to sample, test and check the weights of milk received from and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 1000.80 (a) as are authorized by such producers, and on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. Such payment shall be accompanied by a statement showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

§ 1000.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler with respect to all milk received from producers including a handler's own production and with respect to all receipts of other source milk classified as Class I, shall pay to the market administrator, on or before the 15th day after the end of each month, an amount not exceeding five (5¢) cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

§ 1000.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received

the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;
(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
(3) If the obligation is payable to one or more producers or to the association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

BASE RATING

§ 1000.90 *Determination of daily base.* (a) Effective March 1, 1955, and the same date of each succeeding year, the daily average base of each producer who delivered milk to a handler during the preceding months of September through February shall be computed by the market administrator by dividing the total pounds of milk received by a handler or handlers from such producer during such months by the number of days within this period.

(b) The daily average bases of producers belonging to a cooperative association as defined in § 1000.11 and which requested payment from the handler pursuant to § 1000.80 (c) shall be added together for the purpose of computing the total amount of base and excess milk for which each handler shall pay such cooperative association.

§ 1000.91 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period; and

(b) The base of a producer may be transferred by notifying the market administrator in writing before the last day of any month that such base is to

be transferred to the person or persons named in such notice. Person, as used in this paragraph, shall include a cooperative producers association as defined in § 1000.11.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1000.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 1000.101.

§ 1000.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the Act cease to be in effect.

§ 1000.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1000.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1000.110 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstance is held invalid, the application of such provisions and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

§ 1000.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

Milk marketing agreement and order proposed by Happy Valley Farms, Sanders Dairy, Associated Dairies, Meadow Brook Farms, Inc., Grant-Patten Milk Company, Southern Dairies, Inc., Mayfield's Creamery, Ray Moss Farms, Farms Field's Dairy, and Haselrig & Son, and Sterchi & Sons Dairy:

DEFINITIONS

§ 1000.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1000.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1000.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 1000.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1000.5 *Chattanooga, Tennessee, marketing area.* "Chattanooga, Tennessee, marketing area", hereinafter called the "marketing area" means all of the territory within the boundaries of Marion, Bledsoe, Sequatchie, Bradley, Meigs, Rhea, McMinn, and Hamilton Counties, all in the State of Tennessee; and all of the territory within the boundaries of Dade, Walker and Catoosa Counties, all in the State of Georgia.

§ 1000.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the producer thereof.

§ 1000.7 *Producer-handler.* "Producer-handler" means any person who produces Grade A milk under a dairy farm inspection permit issued by any duly constituted health authority and who processes milk from his own production, distributing all or a portion of such

milk within the marketing area as Class I milk, but who receives no milk from producers.

§ 1000.8 *Delivery-period.* "Delivery-period" means a calendar month, or the portion thereof during which this part is in effect.

§ 1000.9 *Fluid milk plant.* "Fluid milk plant" means the premises, buildings and facilities of any milk processing or packaging plant from which Grade A milk is disposed of during the month as Class I milk on routes in the marketing area: *Provided*, That any portion of such building or facilities, used for receiving or processing any milk product not required by the appropriate health authority to be made from Grade A milk, shall not be considered as part of the fluid milk plant.

§ 1000.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted from a fluid milk plant to any milk distributing or milk manufacturing plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 1000.11 *Handler.* "Handler" means (a) any person in his capacity as operator of a fluid milk plant, (b) a producer-handler or (c) any cooperative association of producers with respect to producer milk diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such association.

§ 1000.12 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant described in § 1000.9.

§ 1000.13 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or other handlers, except any nonfluid milk product received and disposed of in the same form.

§ 1000.14 *Producer milk.* "Producer milk" means milk produced by one or more producers.

§ 1000.15 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through August which is not in excess of such producer's daily average base computed pursuant to § 1000.60 multiplied by the number of days in such month.

§ 1000.16 *Excess milk.* "Excess milk" means milk received by a handler from a producer during any of the months of April through August which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from a producer from whom no daily average base can be computed pursuant to § 1000.60.

MARKET ADMINISTRATOR

§ 1000.20 *Designation.* The agency for the administration of this part shall

be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1000.21 *Powers.* The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 1000.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

- (d) Pay, out of the funds provided by § 1000.87, (1) the costs of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses except those incurred under § 1000.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

- (e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

- (f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 1000.30 or (2) payments pursuant to §§ 1000.80 and 1000.82;

- (g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

- (h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

- (i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of

skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing the prices and butterfat differentials determined for each delivery period as follows: (1) On or before the 5th day after the end of such delivery period the prices and butterfat differentials for each class computed pursuant to §§ 1000.51 and 1000.52; and (2) on or before the 10th day after the end of such delivery period, the uniform price(s) computed pursuant to §§ 1000.71 and 1000.72 and the butterfat differential to be paid pursuant to § 1000.85.

REPORTS, RECORDS AND FACILITIES

§ 1000.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in producer milk including for the months of April through August a statement of the aggregate quantity of base milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 1000.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 1000.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1000.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) The total pounds of milk received from such producer or cooperative association, including, for the months of April through August, the total pounds of base and excess milk, (ii) the days on which milk was received from such producer, if less than a full month, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment, to each producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant(s), his intention to receive such product and on or before the last day such product is received, his inten-

tion to discontinue receipt of such product; and

(3) Such other information with respect to his utilization of butterfat and skim milk as is necessary and essential to the proper administration of this part or any amendments thereto.

§ 1000.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; (c) verify payment to producers; and (d) make such examination of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

§ 1000.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1000.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at fluid milk plants, which is required to be reported pursuant to § 1000.30, shall be classified each month by the market administrator pursuant to the provisions of §§ 1000.41 through 1000.45.

§ 1000.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1000.42 through 1000.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) Disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream and any cream product, except frozen cream, ice cream mix, sour cream and eggnog; (2) in inventory of products designated as Class I milk pursuant to subparagraph (1) of this paragraph; and (3) not specifically accounted for as Class I milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any item other than those

specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in actual plant shrinkage of skim milk and butterfat received in producer milk, but not in excess of 2.0 percent of such receipts of skim milk and butterfat, respectively, and (4) in actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided*, That if producer milk and other source milk are both received in a fluid milk plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and other source milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

§ 1000.42 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

§ 1000.43 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a fluid milk plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by transferee-handler: *Provided*, That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, except that of a producer-handler, unless (1) the handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the nonfluid milk plant and the handler on or before the 6th day after the end of the delivery period within which such transfer occurred, (2) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I: *Provided further*, That if such plant disposes of fluid cream to another nonfluid milk

plant which conforms with the requirements of subparagraphs (1), (2) and (3) of this paragraph, such cream shall be classified as Class II milk.

§ 1000.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 1000.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for the pool plant(s) of each handler for each month shall be the pounds in such class allocated to producer milk by such handler:

(1) Subtract the shrinkage of skim milk, computed pursuant to § 1000.41 (b) (3) from the total pounds of skim milk in Class II milk;

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk and Class I milk the pounds of skim milk contained in inventory products designated as Class I milk pursuant to § 1000.41 (a) (1) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of Class I milk, an amount equal to the difference shall be subtracted from the pounds of skim milk and Class II milk;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from the pool plants of other handlers in the form of products designated as Class I milk in § 1000.41 (a) (1), according to its classification as determined pursuant to § 1000.43 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraph (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 1000.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest cent) to be used in determining the price for Class I milk pursuant to § 1000.51 (a) shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to para-

graph (a), (b), or (c) of this section, or § 1000.51 (b).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Cooperville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential computed pursuant to § 1000.85 (a) by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divided by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply by 4.0 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, add 20 percent thereof, and add to such sum 3 3/4 cents for each full 1/2 cent that the arithmetical average of carlot prices per pound of non-fat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture is above 5 cents.

§ 1000.51 *Class prices.* Subject to the provisions of §§ 1000.52 and 1000.53 each handler shall pay producers, at the time and in the manner set forth in §§ 1000.80 through 1000.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 1000.46:

(a) *Class I milk prices.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month plus a differential of \$1.50 per hundredweight.

(b) *Class II milk.* The price for Class II milk shall be the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies indicated below:

Company and Location

Pet milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.

§ 1000.52 *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 1000.46 is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest 10th of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 0.13 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the immediately preceding month;

(b) *Class II milk.* Multiply by 0.115 the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month;

Provided, That such butterfat differential shall not exceed the result obtained by dividing the Class II price pursuant to § 1000.51 (b) by 40.

DETERMINATION OF BASE

§ 1000.60 *Daily average base.* Subject to the rules set forth in § 1000.61 the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer by all handlers during the months of September through February immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, but not less than 120 days.

§ 1000.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) An entire base may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice:

Provided, That if the base is held jointly and such joint holding is terminated, the entire base transferable by any joint holder shall be his portion of such jointly held base as indicated by the joint holders.

§ 1000.62 *Announcement of established bases.* On or before April 1, of each year, the market administrator shall notify each producer and the handler receiving milk from such producers of the daily base established by such producer.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1000.70 *Computation of value of milk.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the month by the applicable class price adjusted by the appropriate butterfat differential and adding together the resulting amounts: *Provided*, That there shall be added any amount computed by multiplying the pounds of overage subtracted pursuant to § 1000.45 (a) (6) and (b) by the appropriate class prices as adjusted by the butterfat and location differentials.

§ 1000.71 *Computation of uniform price.* For the delivery periods of September through March the market administrator shall compute the uniform price per hundredweight for producer milk, on the basis of 4.0 percent butterfat content, as follows:

(a) Combine into one total the value computed pursuant to § 1000.70 for all handlers who made the reports prescribed by § 1000.30 for such delivery period, except those in default of payments required pursuant to § 1000.82 for the preceding delivery period;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1000.85, and multiply the result by the total hundredweight of such milk.

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount on contingent obligations to handlers pursuant to § 1000.83;

(d) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against delinquencies in payments by handlers. This result shall be known as the "uniform price" per hundredweight for such delivery period for producer milk containing 4.0 percent butterfat, f. o. b. fluid milk plant.

§ 1000.72 *Computation of uniform prices for base milk and excess milk.* Following April 1, 1955, for each of the

delivery periods of April through August, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the value computed pursuant to § 1000.70 for all handlers who made the reports prescribed by § 1000.30 for such delivery period, except those in default of payments required pursuant to § 1000.82 for the preceding delivery period;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1000.85, and multiply the result by the total hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 1000.83;

(d) Compute the value on a 4.0 percent butterfat basis of the aggregate quantity of excess milk for all handlers included in the computation pursuant to paragraph (a) of this section by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in such computation by the applicable prices for such Class II milk of 4.0 percent butterfat content; multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk determined by applying the uniform price obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (c) of this section;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (c) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

§ 1000.73 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of April through August the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1000.71 and 1000.72 and the butterfat differential computed pursuant to § 1000.85; and

(d) The amounts to be paid by such handler pursuant to §§ 1000.82, 1000.87 and 1000.88.

PAYMENTS

§ 1000.80 *Time and method of payment for producer milk.* (a) On or before the last day of each delivery period each handler shall make payment to each producer or cooperative association for milk received from such producer or cooperative association during the first 15 days of such delivery period at not less than the Class II price per hundredweight for the preceding delivery period.

(b) On or before the 15th day after the end of each delivery period each handler shall make payment to each producer or cooperative association for milk which was received from such producer or cooperative association during the delivery period at not less than the uniform price computed pursuant to § 1000.71, if such delivery period is any of the months of September through March, or at not less than the uniform price for base milk computed pursuant to § 1000.72 with respect to base milk received from such producer or cooperative association, and at not less than the uniform price for excess milk computed pursuant to § 1000.72 with respect to excess milk received from such producer or cooperative association, if such delivery period is any of the months of April through August, subject to the following adjustments: (1) The butterfat differential pursuant to § 1000.85, (2) less payment made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 1000.88, (4) less deductions authorized in writing by the producer or cooperative association, and (5) adjusted for any error in calculating payment to such producer or cooperative association for past delivery periods: *Provided*, That if such handler has not received full payment for such delivery period pursuant to § 1000.83 he may reduce uniformly per hundredweight for all producers and cooperative associations his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *Provided further*, That the handler shall make such balance of payment to those producers and cooperative associations to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(c) Payments due to producers under paragraphs (a) and (b) of this section may be made by handlers to such persons designated by the producer in writing, signed by the producer, and addressed and delivered to the handler.

§ 1000.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known

as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1000.82 and 1000.84, and out of which he shall make all payments pursuant to §§ 1000.83 and 1000.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 1000.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the total value of his milk computed pursuant to § 1000.70 for such delivery period is greater than the value of milk received by such handler from producers during the delivery period, computed at the applicable minimum uniform prices as specified in §§ 1000.71 and 1000.72 adjusted for the butterfat differential provided for in § 1000.85.

§ 1000.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, or cooperative associations, any amount by which the total value of his milk computed pursuant to § 1000.70 for such delivery period is less than the value of milk received by such handler from producers during the delivery period, computed at the applicable minimum uniform prices as specified in §§ 1000.71 and 1000.72 adjusted for the butterfat differential provided for in § 1000.85. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as appropriate funds are available.

§ 1000.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1000.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1000.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1000.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 1000.85 *Butterfat differential to producers.* If, during the delivery period, any handler has received, from any producer or cooperative association, milk having an average butterfat content other than 4.0 percent, such handler, in making payments prescribed in

§ 1000.80 (b), shall add to the uniform price(s) per hundredweight paid to such producer or cooperative association for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or may deduct from the uniform price(s) per hundredweight for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10, and then adjust to the nearest one-tenth of a cent.

§ 1000.86 *Statement to producers.* In making payments required by § 1000.80 each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

- (a) The delivery period and the identity of the handler and of the producer;
- (b) The total pounds and the average butterfat content of milk delivered by the producer including for the months of April through August, the pounds of base milk and excess milk;
- (c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1000.80 and 1000.85;
- (d) The rate which is used in making the payment if such rate is other than the applicable minimum;
- (e) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 1000.88, together with a description of the respective deductions; and
- (f) The net amount of payment to the producer or cooperative association.

§ 1000.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period of (a) milk from producers (including such handler's own production) or cooperative association, and (b) other source milk received at a fluid milk plant: *Provided*, That each cooperative association shall pay such pro rata expense on only that milk of producers for which it is a handler.

§ 1000.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 1000.80 (b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers, excepting such handler's own farm production, during the delivery period, and shall pay such deductions to the market administrator not later than the 15th day after the end of the delivery period. Such moneys

shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an employee of the United States responsible to him.

(b) *Producers' Cooperative Associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of such delivery period, pay over such deductions to the association rendering such service.

§ 1000.89 *Termination of obligations.* The provisions of this part section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before December 1, 1951, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
 - (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,
 - (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.
- (b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.
- (c) Notwithstanding the provisions of paragraphs (a) and (b) of the section,

a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligations are sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 1000.90 *Producer-handlers.* Sections 1000.40 through 1000.45, 1000.50 through 1000.52, 1000.60 through 1000.62, 1000.70 through 1000.73, 1000.80 through 1000.88, shall not apply to a producer-handler.

§ 1000.91 *Plants subject to other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1000.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1000.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1000.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary

so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such persons pursuant thereto.

§ 1000.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1000.110 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1000.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 13, 1955, at Washington, D. C.

[SEAL] Roy W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3163; Filed, Apr. 15, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regs. Draft Release 71B]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

SUPPLEMENTAL NOTICE OF RULE-MAKING AND ORAL ARGUMENT THEREON

APRIL 14, 1955.

Reference should be made to Economic Regulations Draft Release No. 71, dated December 21, 1954, published in the FEDERAL REGISTER on December 28, 1954 (19 F. R. 9249), in which the Board gave notice that it had under consideration a proposed amendment to § 298.4 of Part 298 of the Economic Regulations (14 CFR Part 298, as amended) which would make permanent the exemptions authorized air taxi operators by such part. Subsequently, by notice dated February 17, 1955 (Economic Regulations Draft Release No. 71A published in the FEDERAL REGISTER on February 24, 1955 (20 F. R. 1156)), the Board gave notice that on April 19, 1955, oral argument would be heard in connection with the proposal contained in Draft Release No. 71, and that time for the receipt of written comments had been extended to such date.

The Board, having received requests for deferral of oral argument which it believes warrant action, hereby gives notice that the time for the receipt of comments on the proposed rule has been extended to June 1, 1955, and that oral argument thereon has been deferred and set down for 10:00 a. m., e. d. s. t., June 1, 1955, in Room 5042, Department of Commerce Building, Washington, D. C. Oral argument will be limited to one full day. Those desiring to be heard are requested to inform F. W. Brown, Chief Hearing Examiner, Civil Aeronautics Board, prior to May 24, 1955, indicating the amount of time desired.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-3205; Filed, Apr. 15, 1955; 8:50 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 7099; Order No. E-9091]

TRANSATLANTIC CHARTER SERVICES

NOTICE OF ORAL ARGUMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1955.

As a result of an analysis of transatlantic operations conducted during the

summer of 1950 pursuant to a series of exemption orders, the Board on March 16, 1951, issued a statement that as a matter of policy (1) no further exemptions would be issued to authorize transatlantic charter operations except where the regularly authorized transatlantic carriers (United States and foreign) were unable or unwilling to provide reasonably adequate charter service at established charter rates, (2)

certificated U. S. transatlantic carriers would be authorized to contract for the equipment and personnel of other carriers to perform charter service, (3) charter operations would be restricted to the carriage of traffic of the type permitted by Part 207 of the Economic Regulations, adopted concurrently therewith, and (4) no exemptions would be issued to indirect carriers of passengers.

In this statement of policy, the Board pointed out, among other things, that a substantial part of the passengers carried on flights operated pursuant to the 1950 exemption orders would have traveled on regular service had it not been for the great differential between the pro rata cost per passenger on those charter flights and the passenger fares on regular service and, accordingly, directed that consideration be given to the establishment of a low fare for individual passengers on regularly authorized transatlantic service. On February 12, 1952, the Board issued a reaffirmation of said policy statement after finding that proposals for the establishment of a low fare for individual passengers in transatlantic service had been perfected during 1951 and that it should assure the success of the coach-type experiments in every way open to it. Accordingly, the Board has considered the foregoing criteria for transatlantic charter operations in proceedings involving applications for exemption to conduct such operations. Further, since September 29, 1953,¹ the Board in disposing of such applications has considered, *inter alia*, the factor whether the provision of charter service was essential to the performance of the proposed movement.

In adopting the foregoing policy, the Board had expected that the inauguration of a regularly scheduled coach-type service across the North Atlantic, together with other means of air travel available through the authorized carriers would adequately serve anticipated needs. However, recent developments affecting transatlantic charter operations have caused us some concern.

On the one hand, there has been an increasing volume of passenger traffic carried over the North Atlantic by regularly authorized carriers particularly in the coach or second-class category. On the other hand, the applications and requests for exemption to conduct transatlantic charter services have been growing in number. There is every indication that a substantial number of groups desire charter transportation across the Atlantic this coming season, and that the regularly authorized air carriers will be unable to offer the desired number of charters. Inasmuch as the charter rates of the regular carriers generally do not differ to any marked extent from those of the nonregularly authorized carriers, it is apparent that this traffic would move on the charter flights of the regular carriers if such services were made available by them on

a more frequent basis than at present. An analysis of recent filings for exemption authority to conduct transatlantic charter operations indicates that much of this traffic is of a nature that could move on the coach services of the regularly authorized carriers were it not that the cost differential between the pro rata share per passenger on exempted charter flights and the coach fares of the regular carriers may be so great as to put the latter beyond the financial reach of a number of individuals comprising the proposed charter groups.

Preliminary investigation discloses that U. S. transatlantic carriers have taken no significant steps to implement our directive² to take prompt and effective action to utilize the equipment and personnel of other air carriers, as required, to operate charter service. A primary obligation of these carriers is to develop this scheduled, individual fare passenger service. The carriers may also have a natural incentive to fully exploit the greater profit-making opportunities inherent in developing a mass volume of individual fare business to fill up the large number of seats available on established scheduled services. In addition, a change of major significance in the financial condition of these carriers is the fact that their transatlantic operations have either attained, or are approaching, a subsidy-free status.

The foregoing and the imminence of the 1955 summer season leads us to believe that we should give prompt re-examination to the various factors which we have heretofore been considering in disposing of exemption applications for transatlantic charter authority. There may now be a need for greater flexibility in our charter policy, at least for the immediate future and pending decision in Docket No. 5132, et al.,³ if we are to take full cognizance of all the matters now operative in the area of transatlantic charter operations and not overlook the possible requirements of all persons and groups having reason to travel across the Atlantic this summer. We are particularly concerned whether we should continue to consider, in disposing of exemption applications for charter authority, all of the various criteria heretofore taken into account.

In order to assist us in giving immediate reconsideration to the transatlantic charter policy in light of the foregoing, we are desirous of receiving factual information, views and advice from regularly authorized United States transatlantic carriers, applicants for transatlantic charter exemption authority,⁴ and other interested persons bear-

¹ Contained in our policy statement of March 16, 1951.

² Transatlantic passenger charter authority for noncertificated carriers is one of the issues in the Irregular Air Carrier Investigation, Docket No. 5132, et al. The Examiner's Initial Decision therein was served on March 29, 1955.

³ A copy of this order will be served upon regular United States transatlantic carriers and upon other United States carriers which have sought exemptions for transatlantic charters since the inauguration of the present transatlantic charter policy and which presumably will be affected by any change in such policy.

ing upon the extent, if any, to which our existing transatlantic charter policy should be modified. We have concluded that oral argument would be the most practicable and helpful means under the circumstances of accomplishing this objective since there are presently pending before the Board applications for transatlantic charter authority during the coming summer season which require our urgent attention. We wish to make it clear, however, that we may order a full evidentiary hearing after said oral argument if it should appear that such full hearing would be in the public interest.

Factual material and supporting factual data should be presented in affidavit form, and should be served upon all persons named hereinafter, and three copies of such material and data should be transmitted to the Docket Section at least three (3) days in advance of the argument.

Accordingly, it is ordered, That:

1. All interested persons herein be and they hereby are afforded the opportunity to submit factual material and data on or before April 26, 1955, and to present oral argument to the Board on the issues raised by the foregoing on April 29, 1955;

2. A copy of this order be served on the following: Pan American World Airways, Inc.; Trans World Airlines, Inc.; Transocean Air Lines; Seaboard and Western Airlines, Inc.; United States Overseas Airlines, Inc.; and The Flying Tiger Line, Inc.;

3. Any person desiring to participate in the oral argument shall notify the Chief Examiner with a statement of the amount of time desired on or before April 22, 1955;

4. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-3157; Filed, Apr. 15, 1955;
8:52 a. m.]

[Docket No. 4775]

NORTHWEST AIRLINES, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Northwest Airlines, Inc., to eliminate Kalispell, Montana, from the certificate for route No. 3 or to authorize temporary suspension.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding, now assigned to be held on May 11, 1955, is postponed to May 18, 1955, 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 13, 1955.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3158; Filed, Apr. 15, 1955;
8:52 a. m.]

¹ Order No. E-7775. This factor was also considered in the following orders disposing of applications to conduct transatlantic charter service: E-8081, E-8303, E-8322, E-8353, E-8403, E-8429, E-8450, E-8457, E-8591, E-8601, E-8607, E-8617.

[Docket No. 7092]

DEUTSCHE LUFTHANSA
AKTIENGESellschaft

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Deutsche Lufthansa Aktiengesellschaft for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, between points in Germany and New York, N. Y.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 19, 1955, at 10:00 a. m., e. s. t., in Room 1018, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., April 13, 1955.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3159; Filed, Apr. 15, 1955;
8:52 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE
DIRECTLY FROM JAPANAVAILABLE CERTIFICATIONS BY THE
GOVERNMENT OF JAPAN

Notice is hereby given that certificates of origin issued by the Ministry of International Trade and Industry of the Government of Japan under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Japan of the following additional commodities:

Soya bean.
Soya bean paste (Miso).
Soya bean oil.
Soya bean meal.

[SEAL]

ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 55-3193; Filed, Apr. 15, 1955;
8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 77,
AMDT. 1

APRIL 11, 1955.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, Small Tract Classification Order No. 77, dated November 20, 1953, is hereby amended as follows:

1. The land description contained in paragraph 1 is amended by deleting the following-described lands:

TALKEETNA AREA

SEWARD MERIDIAN

T. 26 N., R. 4 W.,

Section 29: That portion of Lot 1 which would be described in terms of normal subdivision as NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, containing approximately 7 acres.

Section 30: That portion of Lot 3 which would be described in terms of normal subdivision as NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, containing approximately 8 acres.

Total acreage aggregating approximately 15 acres.

2. This amendment shall take effect immediately.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-3135; Filed, Apr. 15, 1955;
8:46 a. m.]

[Misc. 66987, 903923]

ALASKA

REVOCATION OF ORDERS OPENING LANDS
UNDER THE FOREST HOMESTEAD ACT

APRIL 12, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the orders described below opening lands in the Tongass and Chugach National Forests for entry under the act of June 11, 1906, as amended (34 Stat. 233, 16 U. S. C. 506-509) are hereby revoked so far as they affect the lands hereinafter described:

TONGASS NATIONAL FOREST

a. List No. 6-1871; Date of Order of Opening: June 20, 1916.

Land: Beginning at Corner No. 1, a cottonwood post marked H/1 whence Corner No. 3, of the G. B. Morgan Forest Homestead Survey on east bank of Taku River bears W. 20 chs.; extending thence E. 39.25 chs.; thence N. 25 chs.; thence W. 66.80 chs., to Corner No. 4, on east bank of Taku River; thence S. 19° 30' E., 5.30 chs.; thence E. 25.78 chs.; thence S. 20 chs., to the place of beginning.

The tract described contains 111.60 acres.

b. List No. 6-1872; Date of Order of Opening: June 20, 1916.

Land: H. E. S. 107.

The tract described contains 153.59 acres.

c. List No. 6-1873; Date of Order of Opening: June 20, 1916.

Land: H. E. S. 108.

The tract described contains 157.88 acres.

d. List No. 6-1875; Date of Order of Opening: June 20, 1916.

Land: Beginning at Corner No. 1, identical with Corner No. 4 of the John Johnson Homestead Survey, a cottonwood post marked H/4 whence a cottonwood 26" in diameter bears N. 69° E. 5.80 chs.; extending thence N. 38 chs.; thence E. 34.50 chs.; thence S. 21° 30' E., 40.82 chs.; thence W. 49.41 chs., to the place of beginning.

The tract described contains 159.42 acres.

e. List No. 6-554; Date of Order of Opening: May 21, 1914.

Land: Beginning at Corner No. 1, a white granite rock marked H/1 and set in mound of rock located at mean high tide line, whence the west end of the Sundum Island bears S. 73° 30' W., and the east end of Bush Island bears S. 14° W., and Forest Service Monument bears N. 29° 30' W. 30.50 chains; extending thence by meanders along the mean high tide line of Endicott Arm S. 30° 10' E. 8 chains, S. 4° 30' E. 4 chains, S. 54° 30' E. 5 chains, N. 67° E. 10 chains, S. 44° E. 2.56 chains, and S. 47° E. 12.44 chains to Corner No. 2; thence N. 19° 5' E. 17.43 chains; thence S. 85° W. 16.60 chains; thence N. 55° W. 17.32 chains; thence S. 19° 5' W. 5.80 chains to Corner No. 1, the place of beginning.

The tract described contains 34.10 acres.

CHUGACH NATIONAL FOREST

List No. 6-2134; Date of Order of Opening: May 10, 1920.

Land: Beginning at Corner No. 1 thence E. 15.46 chains; thence S. 3° E. 79.80 chains; thence W. 25.60 chains; thence N. 5° E. 71.00 chains; to point of curve on U. S. R. R. right-of-way; thence meander right-of-way, Course 1, N. 3° E. 2.45 chains; Course 2, N. 1° E. 2.45 chains; thence N. 4° W. 4.10 chains; to the place of beginning.

The tract described contains 160.35 acres.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 55-3134; Filed, Apr. 15, 1955;
8:46 a. m.]

[Order No. 587]

ABE H. FURR

DELEGATION OF AUTHORITY IN CONNECTION
WITH APPEALS TO THE DIRECTOR

APRIL 12, 1955.

SECTION 1. Pursuant to the authority and subject to the limitation contained in Order No. 2583 of the Secretary of the Interior, Mr. Abe H. Furr, is authorized to sign decisions involving appeals to the Director filed pursuant to 43 CFR Part 221 when such appeals involve only land status or classification. Decisions involving all other matters and decisions involving new or novel questions or of unusual interest shall be signed by the Director or the Associate Director.

Sec. 2. An informal legal opinion or formal legal review may be obtained from the Office of the Solicitor when such advice or review is necessary. However, when an informal opinion is obtained formal legal review shall be secured before signature. All decisions prepared for the signature of the Director or Associate Director will be reviewed by the Solicitor's Office prior to signature.

Sec. 3. Bureau Order No. 584 of February 4, 1955, is hereby revoked insofar as it pertains to the lands and minerals functions.

EDWARD WOOLEY,
Director.

[F. R. Doc. 55-3144; Filed, Apr. 15, 1955;
8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE SMITHSONIAN INSTITUTION

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR CERTAIN RESTORATION AND RENOVATION WORK

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Smithsonian Institution to negotiate, without advertising, under section 302 (c) (4) and (9) of the act, contracts for restoring and renovating exhibits, dioramas, and accessories for exhibits.

2. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any official or employee of the Smithsonian Institution.

4. This delegation shall be effective as of the date hereof.

Dated: April 13, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-3215; Filed, Apr. 15, 1955;
11:16 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 153, Amdt. 3]

BUREAU OF FOREIGN COMMERCE

ESTABLISHMENT, ORGANIZATION, AND FUNCTIONS

MARCH 24, 1955.

The material appearing at 18 F. R. 6789 is hereby further amended by the following:

Department Order No. 153 of October 12, 1953, as amended, is further amended as follows:

Paragraph 3 (a) is amended to read:

(a) Subject to such policies and conditions as the Secretary of Commerce may prescribe, the Director of the Bureau of Foreign Commerce shall perform the functions and exercise the power and authorities relating to the promotion of United States international trade and investment vested in the Secretary of Commerce by applicable laws or executive orders, including but not limited to the Act of February 14, 1903 (32 Stat. 826), as amended, and shall carry out the Secretary's authority and responsibilities under the Export Control Act of 1949, as amended.

Paragraph 5 (c) is amended to read:

(c) The Foreign Economic Development Staff is responsible for the work of the bureau in executing programs of the United States for foreign economic development. The Director is also designated Coordinator of Foreign Assistance

Programs for the Department and as such will be the focal point for the conduct of program and project negotiations with the Foreign Operations Administration.

In view of the creation of the Office of International Trade Fairs by Department Order No. 159 of January 27, 1955, the establishment of the Trade Fair Operations Division in the Bureau of Foreign Commerce by Amendment 2 to Department Order No. 153 is hereby rescinded and paragraph 5 (j) (6) is amended to read:

(6) In collaboration with the Office of International Trade Fairs, facilitate the effective conduct of international trade fairs with specific responsibility for (1) developing and maintaining pertinent economic data relating to international trade fair operations and the publication and dissemination of such data as appropriate, and (2) organizing individual trade information missions and maintaining trade information centers at international trade fairs;

Effective date: March 24, 1955.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-3133; Filed, Apr. 15, 1955;
8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6594]

PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF EXTENSION OF TIME TO ACQUIRE STOCK

APRIL 11, 1955.

Upon consideration of the request, filed April 7, 1955, by Pennsylvania Power & Light Company for an extension of time within which it may acquire the shares of Preferred and Common Stock of The Scranton Electric Company authorized by the Commission's order issued December 23, 1954, in the above-designated matter;

Notice is hereby given that a further extension of time is granted to and including June 24, 1955, within which Pennsylvania Power & Light Company may acquire said shares of stocks of the Scranton Electric Company. Paragraph (B) of said order issued December 23, 1954, as amended by the notice dated February 14, 1955, is further amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3149; Filed, Apr. 15, 1955;
8:50 a. m.]

[Docket Nos. G-1277, G-1411]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING DELIVERY AND SALE OF NATURAL GAS

APRIL 12, 1955.

Notice is hereby given that on March 25, 1955, the Federal Power Commission issued its order adopted March 23, 1955, in the above-entitled matters, amending

order modifying orders issuing certificates of public convenience and necessity, and authorizing Transcontinental Gas Pipe Line Corporation to deliver and sell 1,464 Mcf of natural gas to the City of Covington, Georgia, for ultimate distribution in said city, and the Town of Oxford, Georgia.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3150; Filed, Apr. 15, 1955;
8:50 a. m.]

[Docket No. G-2530]

EL PASO NATURAL GAS CO.

NOTICE OF HEARING

APRIL 12, 1955.

El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in El Paso, Texas, filed an application on August 5, 1954, which was supplemented on December 27, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a tap approximately at mile post 229 on Applicant's 30-inch Permian-San Juan cross-over line in Torrance County, New Mexico, together with metering and regulating equipment for the sale of natural gas to the Town of Mountainair, New Mexico, for resale in the Town of Mountainair and vicinity. Due notice was given of the filing of the application including publication in the FEDERAL REGISTER on August 27, 1954 (19 F. R. 5509).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street N.W., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3151; Filed, Apr. 15, 1955;
8:51 a. m.]

[Docket Nos. G-2877, G-3023, G-3554, G-3555, G-3602, G-3684, G-3690, G-3865, G-4692, G-6328]

D. J. HARRISON ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 11, 1955.

In the matters of D. J. Harrison, Docket No. G-2877; J. C. Means, Jr., et al., Docket No. G-3023; Lloyd H. Smith, Inc.,

et al., Docket No. G-3554; Lloyd H. Smith, Inc., et al., Docket No. G-3555; Meredith & Company, as operator, Docket No. G-3602; J. M. Frost, Jr., et al., Docket No. G-3684; J. M. Frost, Jr., et al., Docket No. G-3690; Kirby Petroleum Company, Docket No. G-3865; Carnes W.

Weaver Drilling Company and Frank W. Warburton, Trustee, Docket No. G-4692; McCarthy Oil & Gas Corporation, et al., Docket No. G-6328.

Take notice that there have been filed with the Federal Power Commission Applications as hereinafter specified:

Applicant	Address	Date filed	Docket No.
D. J. Harrison	2105 Gulf Bldg., Houston 2, Tex.	Sept. 20, 1954	G-2877
J. C. Means, Jr., et al.	114 Bowie Bldg., Beaumont, Tex.	Sept. 23, 1954	G-3023
Lloyd H. Smith, Inc., et al.	403 City National Bank Bldg., Houston, Tex.	Sept. 28, 1954	G-3554
Do.	do.	do.	G-3555
Meredith & Co., as operator	2117 Commerce Bldg., Houston, Tex.	Sept. 29, 1954	G-3602
J. M. Frost, Jr., et al.	805 Esperson Bldg., Houston, Tex.	do.	G-3684
Do.	do.	do.	G-3690
Kirby Petroleum Co.	P. O. Box 1745, Houston 1, Tex.	Oct. 1, 1954	G-3865
Carnes W. Weaver Drilling Co., and Frank W. Warburton, trustee.	326 Gulf Bldg., Houston, Tex.	Nov. 5, 1954	G-4692
McCarthy Oil & Gas Corp., et al.	Prudential Bldg., Houston, Tex.	Nov. 29, 1954	G-6328

each for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the respective applicants to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas to Texas Gas Corporation as indicated below:

Docket No.	Location of field	Delivery rate	Price per Mcf (cents)
G-2877	South Mayes Field, Chambers County, Tex.	317,553 Mcf per month	6.5
G-3023	North Port Neches Field, Orange County, Tex.	1,000 Mcf per day	10
G-3554	do.	15,000 Mcf per day	10
G-3555	do.	1,000 Mcf per day	8
G-3602	East Mayes Field, Chambers County, Tex.	do.	8
G-3684	Fig Ridge Field, Chambers County, Tex.	Total production	16
G-3690	do.	do.	1
G-3865	White's Lake Field, Chambers County, Tex.	Maximum 10,000 Mcf per day	8
G-4692	Stowell Field, Chambers County, Tex.	500 Mcf per day	4
G-6328	Stowell Field, Chambers County, and Fannett Field, Jefferson County, Tex.	Total production	4

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 6, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3136; Filed, Apr. 15, 1955; 8:46 a. m.]

[Docket Nos. G-3833, G-4578, G-4675, G-4967, G-5121, G-5187, G-6818, G-6867, G-6868]

G. J. NEUNER ET AL.

NOTICE OF FINDINGS AND ORDERS

APRIL 12, 1955.

In the matters of G. J. Neuner, Docket No. G-3833; Dunn-Mar Oil and Gas Company, Docket No. G-4578; A. B. Edwards, Docket No. G-4675; Jones Oil and Gas Company, Docket No. G-4967; Fred Goodstein, Docket No. G-5121; M. L. Benedum, Docket No. G-5187; W. E. Burchett, Docket No. G-6818; Permian Basin Pipeline Company, Docket No. G-6867; Otha H. Grimes, Docket No. G-6868.

Notice is hereby given that on March 25, 1955, the Federal Power Commission issued its findings and orders adopted March 23, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3152; Filed, Apr. 15, 1955; 8:51 a. m.]

[Docket Nos. G-4489—G-4504]

DUNN-MAR OIL AND GAS CO.

NOTICE OF FINDINGS AND ORDER

APRIL 12, 1955.

Notice is hereby given that on March 24, 1955, the Federal Power Commission issued its findings and order adopted

March 23, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3153; Filed, Apr. 15, 1955; 8:51 a. m.]

[Docket No. G-8087]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 12, 1955.

Take notice that The Texas Company (Applicant), a Delaware corporation whose address is Houston, Texas, filed on December 8, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to Colorado Interstate Gas Company (Colorado Interstate) at an initial rate of 15 cents per Mcf. This gas will be produced from the Keyes Field in Cimarron and Texas Counties, Oklahoma, and from the Greenwood Field in Morton County, Kansas and Baca County, Colorado. It will be commingled with other gas and resold at markets in other states served by Colorado Interstate's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3154; Filed, Apr. 15, 1955; 8:51 a. m.]

[Docket No. G-8299]

SOUTHERN UNION GAS CO.

NOTICE OF APPLICATION AND DATE OF
HEARING

APRIL 12, 1955.

Take notice that Southern Union Gas Company (Applicant), a Delaware Corporation, whose address is Dallas, Texas, filed on December 28, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 11 cents per Mcf. This gas will be produced from the Blanco-Mesaverde Field in San Juan County, New Mexico. It will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 9, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 55-3155; Filed, Apr. 15, 1955;
8:51 a. m.]

[Docket No. G-8525]

WILLIAM V. MONTIN ET AL.

NOTICE OF APPLICATION AND DATE OF
HEARING

APRIL 12, 1955.

Take notice that William V. Montin et al. (Applicant), whose address is Oklahoma City, Oklahoma, filed on February 28, 1955, an application for a certificate of public convenience and necessity pur-

suant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 10 cents per Mcf. This gas will be produced in San Juan County, New Mexico, and will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 9, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 55-3156; Filed, Apr. 15, 1955;
8:51 a. m.]INTERSTATE COMMERCE
COMMISSION[Rev. S. O. 562, Taylor's I. C. C. Order No. 48,
Amdt. 1]LOUISVILLE AND NASHVILLE RAILROAD CO.
ET AL.

EXPIRATION DATE OF ORDER

Upon further consideration of Revised Taylor's I. C. C. Order No. 48 and good cause appearing therefor:

It is ordered, That: Revised Taylor's I. C. C. Order No. 48 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., April 30, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., April 12, 1955, and that this order shall be served upon the Association of

American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 12, 1955.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.[F. R. Doc. 55-3145; Filed, Apr. 15, 1955;
8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 13, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30478: Fertilizer solution—Southwest to Illinois and W. T. L. territory. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on nitrogen, fertilizer solutions and fertilizer ammoniating solution, in tank-car loads, from specified points in Arkansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma, and Texas to specified base points in Illinois, Indiana, Iowa, Missouri, and Wisconsin, and points grouped with such base points as taking same rates.

Grounds for relief: Rates constructed on short line distance formula, circuitous routes and additional destinations.

Tariff: Supplement 51 to Agent Kratzmeir's I. C. C. No. 4112.

FSA No. 30479: Fertilizer solutions to Illinois, Iowa, and Wisconsin. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on fertilizer ammoniating solutions and fertilizer nitrating solutions, in tank-car loads, from Vicksburg and Yazoo City, Miss., to specified base points in Illinois, Iowa and Wisconsin.

Grounds for relief: Rates constructed on short line distance formula, circuitous routes, and additional destinations.

Tariff: Supplement 41 to Agent C. A. Spaninger's I. C. C. No. 1366.

FSA No. 30480: Lumber and related articles—Pacific Coast to Lake Charles, La. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber and related articles, carloads, from grouped origins on the Pacific Coast and points intermediate thereto in the so-called "Coast" and "Truckee or Hawley" groups to Lake Charles, La.

Grounds for relief: Additional circuitous routes through higher-rated intermediate destination groups.

Tariff: Supplement 37 to Agent Prueter's I. C. C. 1556.

FSA No. 30481: Clay, from, to and between points in the south. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads, from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina, to specified

points in Georgia, Kentucky, North Carolina, Ohio, South Carolina, Tennessee and West Virginia.

Ground for relief: Rates constructed on short-line distance formula, circuitous routes and additional destinations.

Tariff: Agent Spaninger's I. C. C. 1323, supplement 73.

FSA No. 30482: Phosphate rock—Florida mines to Texarkana, Ark.-Tex. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads, from Bartow, Fla., and other Florida mines named in the application to Texarkana, Ark.-Tex.

Grounds for relief: Rail-water-rail competition and circuitry.

Tariffs: Supplement 121 to Atlantic Coast Line Railroad Company's I. C. C. B-2322; Supplement 112 to Seaboard Air Line Railroad Company's I. C. C. A-8153.

FSA No. 30483: Bituminous fine coal to Eau Claire, Wis. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous fine coal, carloads, from mines in Illinois, Indiana, and Wisconsin, to Eau Claire, Wis.

Grounds for relief: Rail-barge-truck competition and circuitry.

Carrier, I. C. C. No., and Supplement No.

Tariffs: AT&SF, 14708, 23; C&EI, 2, 178; C&IM, B-336, 61; C&NW, 11208, 38; CB&Q, 20447, 5; CI&L, 4798, 39; CMST&P, B-1717, 42; CMST&P, B-7287, 149; CRI&P, C-13446, 35; GM&O, 262, 42; IC, E-1869, 75; M&STL, 89, 9; MP, A-10454, 10; NYC, 1306, 94; Wab, 7649, 64; SFTB (L&N), 1224, 82.

FSA No. 30484: Cinders from Choctaw, Okla. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cinders, clay or shale, ground or not ground, carloads, from Choctaw, Okla., to stations in Kansas as described in the applications.

Grounds for relief: Rates constructed on a short-line distance formula, additional origin and circuitous routes.

Tariff: Supplement 12 to Agent Kratzmeir's I. C. C. No. 4135.

30485: Steel sheet and plate to Beardstown, Ill. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on steel sheet and plate, carloads, from Chicago and South Chicago, Ill., East Chicago, Gary, and Indiana Harbor, Ind., to Beardstown, Ill.

Tariff: Supplement 38 to Agent Raasch's I. C. C. No. 749.

FSA No. 30486: Fertilizer compounds from St. Francis, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer compounds (manufactured fertilizer) noibn, dry, carloads, from St. Francis, Tex., (as a storage and shipping point), to points in southern, western trunk-line and Illinois territories.

Ground for relief: Rates constructed on basis of a short-line distance formula, circuitry, and grouping, and additional origin.

Tariff: Supplement 52 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 30487: Fuel wood—Memphis, Tenn., to the southwest. Filed by F. C.

Kratzmeir, Agent, for interested rail carriers. Rates on fuel wood, namely, sawdust or shavings, compressed, straight or mixed carloads, from Memphis, Tenn., to stations in Arkansas, Louisiana (west of the Mississippi River), southern Missouri, New Mexico, Oklahoma, and Texas as described in the application.

Grounds for relief: Rates constructed on basis of a short-line distance formula, circuitry, and additional destinations.

Tariffs: Supplement 150 to Agent Kratzmeir's I. C. C. 3932; supplement 80 to Agent Kratzmeir's I. C. C. 4049; Supplement 86 to Agent Kratzmeir's I. C. C. 4090; supplement 56 to Agent Kratzmeir's I. C. C. 4109; supplement 49 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 30488: Methanol, Sterlington, La., to Chicago, Ill., District. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on methyl alcohol, in tank-car loads, from Sterlington, La., to Chicago, Ill., and points in the Chicago Switching District, described in the application.

Grounds for relief: Competition of barge lines, rail carrier competition and circuitry.

Tariff: Supplement 61 to Agent Kratzmeir's I. C. C. 4064.

FSA No. 30490: Steel or wrought pipe to Judkins, Douro and Sid Richardson, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on steel or wrought iron pipe, and related articles, carloads, from points in official, southern and southwestern territories to Judkins, Douro, and Sid Richardson, Tex.

Grounds for relief: Carrier competition, additional destinations, and circuitry.

Tariff: Supplement 19 to Agent Kratzmeir's I. C. C. 4116.

AGGREGATE-OF-INTERMEDIATES

FSA No. 30489: Methanol, Sterlington, La., to Chicago, Ill., District. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on methyl alcohol, in tank-car loads, from Sterlington, La., to Chicago, Ill., and points in the Chicago Switching District, described in the application.

Grounds for relief: Maintenance of existing through one-factor rates from and to more distant points.

Tariff: Supplement 61 to Agent Kratzmeir's I. C. C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3146; Filed, Apr. 15, 1955;
8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-342]

INDEPENDENCE TRUST SHARES PURCHASE PLANS AND INDEPENDENCE SHARES CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

APRIL 12, 1955.

Notice is hereby given that Independence Shares Corporation ("Depositor"),

for itself and as the Sponsor-Depositor of Independence Trust Shares Purchase Plans ("Plan"), a unit investment trust, registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order declaring that the Plan has ceased to be an investment company under the act.

The application makes the following representations:

Depositor is a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business at 1526 Chestnut Street, Philadelphia, Pa., and its agent for service being Alfred H. Geary. Depositor is the Sponsor-Depositor of the Plan and is also the Sponsor-Depositor of a unit type investment trust known as Independence Trust Shares ("the Trust").

The Trust is a common law fixed trust organized under and by virtue of a Trust Indenture between Depositor and the Pennsylvania Company for Banking and Trusts ("Pennsylvania Company") dated April 2, 1930, as amended, under which Trust Certificates or shares are issued to shareholders. The Trust Certificates evidence a beneficial interest in a fixed portfolio of shares of 35 corporations designated in the Indenture, as amended. The Plan is a custodianship providing for the purchase by the Pennsylvania Company as custodian, of shares of the Trust out of the monthly or single payments made by the Planholders.

The Trust was terminated on March 31, 1954, with a final liquidation date of August 31, 1954.

Under date of April 1, 1954, the Pennsylvania Company gave notice to the Planholders that distributions would not be invested as theretofore because there were no comparable securities available for substitution for the Trust Shares. Under date of May 19, 1954, the Pennsylvania Company sent another notice to the Planholders advising them that they had the option to accept delivery of the Trust Shares or to authorize the liquidation of the Trust Shares for the account of the Planholders. Pennsylvania Company, as custodian, gave notice to the Planholders by letter dated December 23, 1954, of the termination of the plans on the ground that the Trust Shares had not been purchasable for a period of 90 days, and no other securities have been substituted therefor. At the present time, there are three Plans outstanding, and the trustee holds the sum of \$3,294.20 for the liquidation of those Plans, which sum represents the cash received upon the liquidation of the Independence Trust Shares represented by those Plans. The said cash is being held by the Pennsylvania Company as custodian for payment to the Planholders upon surrender of their Plans.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 26, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing

¹ C. A. Spaninger, Agent.

upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-3137; Filed, Apr. 15, 1955;
8:47 a. m.]

[File No. 811-341]

CAPITAL SAVINGS PLAN CONTRACT CERTIFICATES AND INDEPENDENCE SHARES CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

APRIL 12, 1955.

Notice is hereby given that Independence Shares Corporation ("Depositor") for itself and as the Sponsor-Depositor for Capital Savings Plan Contract Certificates ("the Plan"), a unit investment trust, registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order declaring that the Plan has ceased to be an investment company under the act.

The application makes the following representations:

Depositor is a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business at 1526 Chestnut Street, Philadelphia, Pa., its agent for service being Alfred H. Geary. Capital Savings Plan, Inc. was a corporation organized and existing under the laws of Pennsylvania, which was merged with Depositor as of December 31, 1938. Depositor is the Sponsor-Depositor of a unit type investment company known as Independence Trust Shares ("The Trust"), and of the Plan.

The Plan is a periodic payment plan organized under and by virtue of three Trust Indentures between Capital Savings Plan, Inc. and the Pennsylvania Company for Banking and Trusts ("Pennsylvania Company") and certain beneficiaries ("Planholders") which Indentures are dated December 11, 1931, August 9, 1932, and May 1, 1934, with supplements thereto, under which Indentures Periodic Payment Plan Certificates were issued to the Planholders. The Plan Certificates provided for the payment by Planholders to the Pennsylvania Company of certain sums, in monthly installments and in some cases in single payments, which sums were invested, after the making of certain deductions, in shares of Independence

Trust Shares for the benefit of the Planholders. This Trust was terminated on March 31, 1954, and final liquidation took place on August 31, 1954.

On March 31, 1954, the termination date of the Trust, there were no plans outstanding under the Indenture dated December 11, 1931, and none had been outstanding for some years prior to that date, and at the present time there are no plans outstanding under the Indenture dated August 9, 1932.

Under date of April 1, 1954, the Pennsylvania Company gave notice to the Planholders that, since Trust Shares were no longer available for purchase and since there were no comparable securities available for substitution, distributions would not be invested as theretofore. Under date of May 19, 1954, the Pennsylvania Company sent another notice to the Planholders advising them that they had the option to accept delivery of the Trust Shares or to authorize the liquidation of the Trust Shares for the account of the Planholders. Under date of December 23, 1954, the Pennsylvania Company sent to all of the Planholders who had not elected to receive the underlying Trust Shares in accordance with the prior letter, a notice of termination of their Plan Certificates. Under date of December 6, 1954, and pursuant to the provisions of the three Indentures referred to above, Depositor terminated the Indentures forthwith by sending notices of termination to the Pennsylvania Company.

There are outstanding at the present time under the Indenture dated May 1, 1934, 24 Plan Certificates. The said 24 Certificates have a liquidation value, subject to deduction for any Federal income taxes which are found to be payable by the Trust, of \$43,231.93. Said sum is being held by the Pennsylvania Company for the account of the Planholders.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 26, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-3138; Filed, Apr. 15, 1955;
8:47 a. m.]

[File No. 811-340]

INDEPENDENCE TRUST SHARES AND INDEPENDENCE SHARES CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

APRIL 12, 1955.

Notice is hereby given that Independence Shares Corporation ("Depositor"), for itself and as the Sponsor-Depositor of Independence Trust Shares ("the Trust"), a unit investment trust registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order declaring that the Trust has ceased to be an investment company under the act.

The application makes the following representations:

Depositor is a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business at 1526 Chestnut Street, Philadelphia, Pa., its agent for service being Alfred H. Geary, and is the sponsor-depositor of the Trust.

The Trust is a common law fixed trust under and by virtue of a Trust Indenture between Depositor and the Pennsylvania Company for Banking and Trusts ("Pennsylvania Company") and certain beneficiaries ("Shareholders") dated April 2, 1930, as amended by Supplemental Agreements dated November 24, 1930, June 8, 1931, December 16, 1938, October 31, 1940, October 13, 1942, and August 16, 1951. Pursuant to the terms of the Trust Indenture, Certificates have been issued to the Shareholders. The Trust Certificates evidenced a beneficiary interest in a fixed portfolio of shares of 35 corporations designated in the Indenture, as amended.

On March 1, 1954, the Depositor gave notice, by mail and by newspaper publication in accordance with the provisions of the Trust Indenture, as amended, to the registered holders of Trust Shares, of the final termination of the Trust as a whole on March 31, 1954, and of final distribution of the Trust property on August 31, 1954. The Depositor notified the Pennsylvania Company of its intention to terminate by a letter dated February 26, 1954.

On March 31, 1954, the number of Trust Shares outstanding was 186,000 shares. There were 457 shareholders who owned the aforesaid 186,000 shares.

Under date of April 20, 1954, the Depositor notified the Shareholders that the offer of exchange made by Delaware Fund, Inc., and approved by this Commission in proceedings under File No. 812-727 by order dated September 12, 1951, whereby holders of shares of the Trust might exchange such shares for those of Delaware Fund, Inc., was still available. As stated in the said notice, the Shareholders were notified that no transfers or redemptions were permissible under the Trust Agreement after July 15, 1954, that the exchange offer would no longer be available after that date, and that liquidation of the remaining securities in the Trust would not take place until after July 15, 1954.

The sale of the underlying securities took place on or shortly after July 20, 1954, and the amount received on the sale of the underlying securities was \$272,259.80 less expenses of liquidation in the amount of \$6,213.57. Said amount was received by the Trustee on July 27, 1954.

All of the liabilities of the Trust have been paid. The amount distributable to Shareholders on August 31, 1954, amounted to \$286,335.60, of which \$281,072.45 represented distributions from principal (including the amount received upon the liquidation of the securities) and \$5,263.15 from income, a total of \$2,5796 per share.

Distributions have been made to the Shareholders who have delivered their shares for cancellation and at the present time there are 15,422 shares outstanding in the hands of 142 Shareholders. There is a balance of cash on hand in the amount of \$39,782.48 available to pay the amounts due to the holders of the outstanding shares. This amount is held by the Pennsylvania Company in cash pursuant to the provisions of the Trust Indenture, as amended, for the redemption of the remaining shares.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 26, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-3139; Filed, Apr. 15, 1955;
8:47 a. m.]

[File No. 70-3355]

NATIONAL FUEL GAS CO. ET AL.

NOTICE OF PROPOSED ISSUANCE AND SALE OF
NOTES TO BANK BY PARENT, AND ISSUE AND
SALE TO PARENT OF NOTES BY SUBSIDIARY
COMPANIES

APRIL 12, 1955.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Republic Light, Heat and Power Company, Inc., United Natural Gas Company, Pennsylvania Gas Company.

No. 75—6

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and its gas utility company subsidiaries, Iroquois Gas Corporation ("Iroquois"), Republic Light, Heat and Power Company, Inc. ("Republic"), United Natural Gas Company ("United") and Pennsylvania Gas Company ("Pennsylvania"), have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9 (a), (10), 12 (b) and 12 (f) of the act and rules U-43 and U-45 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

National proposes to borrow from time to time to November 15, 1955 up to an aggregate amount not to exceed \$12,000,000 from the Chase National Bank of the City of New York upon its unsecured promissory notes bearing interest at the rate of 3 percent per annum and being payable on July 15, 1957. National proposes to use the proceeds from these loans to prepay its presently outstanding notes payable to the same bank amounting to \$1,700,000 and maturing July 15, 1955, and to make loans to its subsidiaries as described below.

National states that it is its intention to finance, on or before the maturity date, the payment of any of its outstanding bank loan notes, issued pursuant to this filing, by the issuance and sale of long-term debenture bonds and/or common stock.

Iroquois, Republic, United and Pennsylvania propose to issue and sell to National from time to time during 1955 unsecured promissory notes aggregating in principal amount not in excess of the following amounts and in series with the principal amount of each note as follows:

	Aggregate principal amount	Principal amount of each note
Iroquois.....	\$3,000,000	\$200,000
Republic.....	3,300,000	150,000
United.....	4,400,000	200,000
Pennsylvania.....	2,700,000	100,000

¹ For the first 17 of such notes and \$200,000 for the last 5 of such notes.

The first note in each of the series will mature on May 1, 1957 and each succeeding note in the series will mature on May 1 of the following calendar year. Each note will bear interest at the rate of 3 percent per annum subject to adjustment as of the date of National's next debenture issue to a rate equal to the coupon rate that will apply to such issue.

Each of the subsidiary companies proposes to use the net proceeds from the notes proposed to be issued to provide its treasury with funds with which to make needed additions to its utility plant during 1955, and in the cases of Iroquois and Republic to replenish working capital depleted by extra capital expenditures made in 1954. Such additions to utility plant are estimated to cost \$3,745,000 in the case of Iroquois, \$2,000,000 for Re-

public, \$2,830,000 for United, and \$1,805,000 for Pennsylvania. Republic also proposes to discharge its outstanding short-term bank borrowings (in the amount of \$944,296.20 as at December 31, 1954) while United and Pennsylvania further propose to convert their short-term notes payable to National (\$1,800,000 for United and \$750,000 for Pennsylvania) and maturing July 15, 1955, to long-term notes payable to National.

Iroquois and Republic have applied to the New York Public Service Commission and United and Pennsylvania have applied to the Pennsylvania Public Utility Commission for authorization of their proposed note issuances. According to the filing no other State commission or Federal commission other than this Commission has jurisdiction over the proposed transactions.

It is estimated that the fees, commissions and expenses will total \$11,950 for all of the companies including \$6,200 for fees and expenses of counsel.

It is requested that the Commission's order herein be made effective on or before April 29, 1955.

Notice is further given that any interested person may, not later than April 28, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-3140; Filed, Apr. 15, 1955;
8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 6]

DAIRY PRODUCTS

SUPPLEMENTAL INVESTIGATION INSTITUTED
AND PUBLIC HEARING ORDERED

Notice is hereby given that the United States Tariff Commission, on April 12, 1955, instituted an investigation under the provisions of section 22 (d) of the Agricultural Adjustment Act, as amended, supplemental to its Investigation No. 6 under section 22 of the said act, to determine whether changed circumstances require the modification, as hereinafter indicated, of Presidential proclamation 3019 of June 8, 1953 (18 F. R. 3361), as amended by proclamation 3025 dated June 30, 1953 (18 F. R. 3815), to

carry out the purposes of the said section 22.

Presidential proclamation 3019, as amended by proclamation 3025, established annual import quotas for certain types of manufactured dairy products, including certain types of cheeses. In a letter to the President dated March 21, 1955, the Acting Secretary of Agriculture suggested the need for a modification of the existing proclamation in order to carry out the purpose and intent thereof. Specifically, the Acting Secretary of Agriculture indicated that because of the restricted scope which is being applied to the language of the proclamation "Italian-type cheeses, made from cow's milk, in original loaves" in the administration of the proclamation, the proclamation is being rendered ineffective.

In a letter dated April 7, 1955, the President directed the Tariff Commission to make an immediate investigation under section 22 (d) to determine whether modification of the existing proclamation is warranted. A copy of

the letter to the President from the Acting Secretary of Agriculture and of the letter from the President are available for inspection at the offices of the Commission in Washington, D. C. and at its New York office in the Customhouse.

The proposals of the Acting Secretary of Agriculture are that the proclamation of June 8, 1953, be amended to include the following definitions:

1. The articles designated in lists I and II include all articles which are substantially those specified notwithstanding minor variations in composition, characteristics or appearance. The determination as to whether a specific article is substantially one of those designated shall be made by the Secretary of Agriculture.

2. The term "original loaves" as used in list II includes original loaves even if cut into pieces or the rind is removed.

As an alternative to proposal 2 above, it is proposed to delete the reference to "original loaves".

The Commission's investigation will involve determination of whether the

modification of the President's proclamation of June 8, 1953, to extend its scope to accomplish the purposes of the proposed amendments is warranted.

Public hearing ordered. The Commission, on April 12, 1955, ordered a public hearing to be held in connection with the above-announced supplemental investigation, beginning at 10 a. m., e. d. s. t., on May 10, 1955, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. Interested persons desiring to appear and to be heard at the hearing should notify the Secretary of the Commission in writing, at its offices in Washington, D. C., at least 3 days in advance of the date set for the hearing.

Issued: April 13, 1955.

By order of the Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F. R. Doc. 55-3148; Filed, Apr. 15, 1955;
8:50 a. m.]

